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REPORTS

FROM

COMMITTEES:

EIGHT VOLUMES.

—*(7.)*—

POOR REMOVAL;

PUBLIC HEALTH BILL AND NUISANCES REMOVAL AMENDMENT BILL.

Session

12 *December* 1854 —— 14 *August* 1855.

VOL. XIII.

1854-5.

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1854-5.

EIGHT VOLUMES:—CONTENTS OF THE

SEVENTH VOLUME.

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REPORT

FROM THE

SELECT COMMITTEE

ON

POOR REMOVAL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
13 *June* 1855.

Veneris, 23° *die Februarii*, 1855.

Ordered, That a Select Committee be appointed to inquire into the Operation of the Act 8 & 9 Vict. c. 117, relating to the Removal from *England* of Chargeable Poor Persons Born in *Scotland*, *Ireland*, the *Isles* of *Man*, *Scilly*, *Jersey*, or *Guernsey*; and also into the Operation of the Act 8 & 9 Vict., c. 83, relating to the Removal from *Scotland* of Chargeable Poor persons Born in *England*, *Ireland*, or the *Isle of Man*.

Mercurii, 28° *die Februarii*, 1855.

Committee nominated of,—

Mr. Baines.
Sir John Trollope.
Mr. Ingham.
Mr. Liddell.
Mr. Locke King.
Mr. Dunlop.
Lord Elcho.
Mr. Stirling.
Mr. Archibald Hastie.
Mr. Alexander Hastie.
Mr. George Alexander Hamilton.
Sir Robert Ferguson.
Mr. John Ball.
Mr. Maguire.
Mr. De Vere.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Ordered, That Five be the Quorum of the Committee.

Jovis, 1° *die Martii*, 1855.

Ordered, That Mr. John Ball be discharged from further attendance on the Committee, and that Lord Naas be added thereto.

Mercurii, 14° *die Martii*, 1855.

Ordered, That Mr. George Alexander Hamilton be discharged from further attendance on the Committee, and that Mr. Grogan and Mr. Horsfall be added thereto.

Lunæ, 19° *die Martii*, 1855.

Ordered, That Mr. Horsfall be discharged from further attendance on the Committee, and that Mr. Cheetham be added thereto.

Mercurii, 28° *die Martii*, 1855.

Ordered, That Lord Elcho be discharged from further attendance on the Committee, and that Mr. Smollett be added thereto.

Mercurii, 13° *die Junii*, 1855.

Ordered, That the Committee have power to Report their Opinion, together with the Minutes of Evidence taken before them, to The House.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the Operation of the Act 8 & 9 Vict. c. 117, relating to the Removal from *England* of Chargeable Poor Persons Born in *Scotland*, *Ireland*, the *Isles* of *Man*, *Scilly*, *Jersey*, or *Guernsey*; and also into the Operation of the Act 8 & 9 Vict. c. 83, relating to the Removal from *Scotland* of Chargeable Poor Persons Born in *England*, *Ireland*, or the *Isle of Man*, and who were empowered to Report their OPINION, together with the MINUTES of EVIDENCE taken before them, to The House;——HAVE considered the Matters to them referred, and have come to the following RESOLUTIONS, which they have agreed to Report to The House:

RESOLUTIONS WITH REGARD TO THE REMOVALS FROM ENGLAND OF CHARGEABLE POOR PERSONS BORN IN SCOTLAND, IRELAND, &c.

1. THAT in the opinion of this Committee, the hearing and examination before justices, required for the purpose of obtaining a warrant of removal under 8 & 9 Vict. c. 117, should in all cases be open and public; and, when within the metropolitan police district, should be before a metropolitan police magistrate.

2. That the depositions of the pauper and witnesses should be taken *vivâ voce*, and committed to writing.

3. That the warrant of removal, in addition to the other matters upon which the justices are required to adjudicate, should contain an express adjudication that the pauper was not at the time of making the warrant irremovable, under the 9 & 10 Vict. c. 66, from residence, sickness, accident, or otherwise.

4. That the name and age of every child under the age of 16, ordered to be removed, should be stated in the warrant of removal.

5. That the warrant should state the place where the justices find the pauper to have been born or to have resided, or the union in Ireland, or the parish in Scotland, in which such place is situated.

6. That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal and statement of grounds of removal, similar to those required by the 4 & 5 Will. 4, c. 76, s. 79, and the 11 & 12 Vict. c. 31, in the case of a removal from parish to parish in England, should be sent, *mutatis mutandis*, to the Board of Guardians of the union in Ireland, or to the Parochial Board of the parish in Scotland, within which the place is situate where the justices so find the pauper to have been born or to have resided; and that such Board of Guardians or Parochial Board should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was made.

7. That the Board of Guardians in Ireland, or the Parochial Board in Scotland, should be at liberty to appeal against the warrant of removal without any such consent or interference on the part of the English Poor Law Board as is required

by the 8 & 9 Vict. c. 117, s. 4; and should be respectively authorised to defray out of the funds in their hands all expenses necessary for the proper investigation of the case and the prosecution of the appeal.

8. That in every case of actual removal the pauper should be delivered at the workhouse of the union in Ireland, or to an inspector of the poor of the parish in Scotland, within which the place of birth or residence, as stated in the warrant, is situate.

9. That an authority similar to that which they now possess with regard to pauper emigration (under the 4 & 5 Will. 4, c. 76, s. 62) should be given to the Poor Law Board to make regulations (with the approval of the Secretary of State for the Home Department) as to the time and manner of carrying out removals from England to Ireland or Scotland.

10. That so far as the Committee have been able, consistently with the terms of the inquiry committed to them by The House, to investigate the operation of the Irremovable Act 9 & 10 Vict. c. 66, they find reason to believe that the period of residence necessary to acquire the privilege of irremovability under section 1 of that Act, might be properly reduced from five years to three years, and that the area of residence for the same purpose might be properly enlarged from the parish to the union.

11. That as doubts appear to have been entertained by some magistrates and some Boards of Guardians, whether the provisions of the Act (9 & 10 Vict. c. 66, s. 1,) extend to poor persons born in Ireland or Scotland, it is expedient to remove those doubts by an express declaratory enactment in the affirmative.

RESOLUTIONS WITH REGARD TO REMOVALS FROM SCOTLAND OF CHARGEABLE POOR PERSONS BORN IN ENGLAND, IRELAND, &c.

1. THAT the hearing and examination required for the purpose of obtaining a warrant of removal, under the 8 & 9 Vict. c. 83, should be, in all cases, open and public; and that the depositions of the pauper and witnesses should be committed to writing.

2. That the warrant of removal, in addition to the matters specified in the form given in the Schedule (A.) of the said statute, should contain an express finding that the pauper had not, at the time, a settlement in Scotland, and that he was in a state of health which admitted of his removal; and that it should set forth the place in England or Ireland to which he is to be removed, together with the name and age of every child ordered to be removed.

3. That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal and a statement of the case, similar to those required by the 8 & 9 Vict. c. 83, and the regulations thereunder, to be given to parishes in Scotland against which a claim of recourse is to be made, be sent to the Board of Guardians of the union in England or Ireland within which the place is situate to which the pauper is to be removed; and that such Board of Guardians should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was granted.

4. That no pauper should be removed of his own consent under the provision of the 77th section of the 8 & 9 Vict. c. 83, unless such consent be given in presence of the Sheriff or a Justice of the Peace, and a certificate granted by such Sheriff or Justice that the consent was so given, and that the pauper is in a state of health admitting of his being removed.

5. That the pauper be delivered at the workhouse of the union or parish in England, or of the union in Ireland, within which the place is situate to which he is ordered to be removed, or if, in England, there be no workhouse in such union or parish, to a relieving officer or overseer thereof.

6. That

6. That removals should be carried out pursuant to regulations to be made by the Board of Supervision, and approved of by the Secretary of State for the Home Department.

7. That all doubts should be removed, as to the right of the Board of Guardians in England and Ireland, to whose union a pauper has been removed, or has been ordered to be removed, to apply for suspension of the warrant of removal in all cases in which the pauper was not legally removable from Scotland, and also to recover from the removing parish the expenses thereby occasioned to such Board of Guardians.

8. That a settlement once acquired by residence should not be lost by lapse of time, under the provisions of the 76th section of the 8 & 9 Vict. c. 83, till the expiration of the full period of five years therein mentioned; and that this be secured by a declaratory enactment to that effect.

9. That with reference alike to the acquisition and to the loss of settlement, residence in any part of a town consisting of separate parishes, or parts of separate parishes, though not continuously in the same parish, should have the same effect as if such residence had been continuously in the same parish.

13 *June* 1855.

PROCEEDINGS OF THE COMMITTEE.

Lunæ, 5° *die Martii*, 1855.

MEMBERS PRESENT:

Mr. Baines.	Mr. De Vere.
Mr. Alexander Hastie.	Sir Robert Ferguson.
Mr. G. A. Hamilton.	Mr. Archibald Hastie.
Mr. Dunlop.	

Mr. BAINES was called to the Chair.

The Committee considered course of proceeding.

The Committee determined to meet on Mondays and Thursdays.

[Adjourned to Monday, 12th instant, at Twelve o'clock.

Lunæ, 12° *die Martii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. G. A. Hamilton.	Mr. Archibald Hastie.
Mr. Dunlop.	Sir Robert Ferguson.
Mr. Locke King.	Mr. Alexander Hastie.
Mr. Ingham.	Mr. Maguire.
Mr. De Vere.	

The Committee examined Mr. *James Corder* and Mr. *J. Ellison.*

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 15° *die Martii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Grogan.	Mr. Alexander Hastie.
Sir R. Ferguson.	Lord Naas.
Mr. Dunlop.	Mr. Maguire.
Mr. Ingham.	Mr. De Vere.

The Committee examined Mr. *G. Grey* and Mr. *W. Wilson.*

[Adjourned to Monday, at One o'clock.

Lunæ, 19° *die Martii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Grogan.	Mr. De Vere.
Mr. Dunlop.	Mr. Maguire.
Mr. Ingham.	Lord Naas.
Mr. Alexander Hastie.	Mr. Locke King.
Mr. Archibald Hastie.	

The Committee examined Mr. *Ellison*, Mr. *Willoby*, and Mr. *Darlington.*

[Adjourned to Thursday, at Twelve o'clock.

Jovis, 22° *die Martii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Lord Naas.	Mr. Dunlop.
Mr. Grogan.	Mr. Locke King.
Mr. Ingham.	Mr. Stirling.
Mr. Maguire.	Mr. Alexander Hastie.
Mr. De Vere.	Mr. Archibald Hastie.

The Committee examined Mr. *Poulett Scrope*, a Member of The House.

[Adjourned to Monday, 23d April, at Twelve o'clock.

Lunæ, 23° *die Aprilis*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Sir John Trollope.	Mr. Archibald Hastie.
Lord Naas.	Mr. Dunlop.
Mr. Grogan.	Mr. Alexander Hastie.
Sir Robert Ferguson.	Mr. Ingham
Mr. Maguire.	Mr. Cheetham.
Mr. De Vere.	Mr. Stirling.

The Committee examined Mr. *Hall*, Inspector for the Metropolitan Districts.

[Adjourned to Thursday, at One o'clock.

Jovis, 26° *die Aprilis*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Ingham.	Mr. Dunlop.
Mr. Archibald Hastie.	Mr. Maguire.
Sir R. Ferguson.	Mr. De Vere.
Lord Naas.	Mr. Alexander Hastie.
Mr. Cheetham.	Mr. Locke King.
Sir J. Trollope.	Mr. Smollett.

Mr. *Hall*, further examined.

The Lord *Monteagle* of Brandon, examined.

[Adjourned to Monday, at One o'clock.

Lunæ, 30° *die Aprilis*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Cheetham.	Sir R. Ferguson.
Mr. Locke King.	Mr. Ingham.
Mr. Alexander Hastie.	Lord Naas.
Mr. Smollett.	Sir John Trollope.
Mr. De Vere.	Mr. Dunlop.
Mr. Maguire.	Mr. Grogan.

The Committee examined Mr. *J. T. Ingham* and Mr. *Andrew Doyle*.

[Adjourned to Thursday, 3d May, at One o clock.

Jovis, 3° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Sir John Trollope.	Mr. Stirling.
Lord Naas.	Mr. Dunlop.
Mr. Grogan.	Mr. Archibald Hastie.
Sir R. Ferguson.	Mr. Alexander Hastie.
Mr. Maguire.	Mr. Ingham.
Mr. De Vere.	Mr. Cheetham.

The Committee examined Mr. *Doyle* and Mr. *Coode*.

[Adjourned to Monday, at One o'clock.

Lunæ, 7° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Ingham.	Sir John Trollope.
Mr. Locke King.	Mr. De Vere.
Sir R. Ferguson.	Mr. Archibald Hastie.
Mr. Stirling.	Mr. Maguire.
Mr. Alexander Hastie.	Mr. Dunlop.

The Committee examined Mr. *Coode* and Mr. *E. Senior*.

[Adjourned to Thursday, at One o'clock.

Jovis, 10° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Sir John Trollope.	Mr. Dunlop.
Mr. Grogan.	Mr. Alexander Hastie.
Sir R. Ferguson.	Mr. Locke King.
Mr. Maguire.	Mr. Smollett.
Mr. De Vere.	Mr. Archibald Hastie.
Mr. Cheetham.	Mr. Stirling.
Mr. Ingham.	

The Committee examined Mr. *E. Senior* and Mr. *Alfred Austin*.

[Adjourned to Monday, at One o'clock.

Lunæ, 14° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Cheetham.	Mr. Grogan.
Mr. Alexander Hastie.	Sir R. Ferguson.
Mr. Smollett.	Mr. De Vere.
Sir John Trollope.	Mr. Dunlop.
Lord Naas.	Mr. Maguire.

The Committee examined Mr. *J. T. Ingham* and Mr. *Farnell*.

[Adjourned to Monday, 21st instant, at Twelve o'clock.

Lunæ, 21° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Sir John Trollope.	Mr. Locke King.
Mr. Grogan.	Mr. Alexander Hastie.
Mr. Maguire.	Mr. Smollett.
Mr. De Vere.	Mr. Dunlop.
Mr. Ingham.	Sir R. Ferguson.
Mr. Cheetham.	Lord Naas.

The Committee examined Mr. Baron *Alderson*, Mr. *Trevor*, and Mr. *Gulston*.

[Adjourned to Tuesday, 12th June, at Twelve o'clock.

Martis, 12° *die Junii*, 1855.

MEMBERS PRESENT:

Mr. BAINES, in the Chair.

Mr. Archibald Hastie.	Mr. Alexander Hastie.
Mr. Dunlop.	Sir J. Trollope.
Sir R. Ferguson.	Mr. Ingham.
Mr. Smollett.	Lord Naas.
Mr. Maguire.	Mr. De Vere.

Resolutions proposed by the Chairman, read 1°, as follows:

"*With regard to the Removals* FROM ENGLAND *of chargeable Poor Persons born in Scotland, Ireland, &c.*

"1. That in the opinion of this Committee, the hearing and examination before justices, required for the purpose of obtaining a warrant of removal under 8 & 9 Vict. c. 117, should in all cases be open and public; and, when within the metropolitan police district, should be before a metropolitan police magistrate.

"2. That the depositions of the pauper and witnesses should be taken *vivâ voce*, and committed to writing.

"3. That the warrant of removal, in addition to the other matters upon which the justices are required to adjudicate, should contain an express adjudication that the pauper was not at the time of making the warrant irremovable, under the 9 & 10 Vict. c. 66, from residence, sickness, accident, or otherwise.

"4. That the name and age of every child under the age of 16, ordered to be removed, should be stated in the warrant of removal.

"5. That the warrant should state the place where the justices find the pauper to have been born or to have resided, or the union in Ireland, or the parish in Scotland, in which such place is situated.

"6. That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal, and statement of grounds of removal, similar to those required by the 4 & 5 Will. c. 76, s. 79, and the 11 & 12 Vict. c. 31, in the case of a removal from parish to parish in England, should be sent, *mutatis mutandis*, to the Board of Guardians of the union in Ireland, or to the Parochial Board of the parish in Scotland, within which the place is situate where the justices so find the pauper to have been born or to have resided; and that such Board of Guardians or Parochial Board should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was made.

"7. That the Board of Guardians in Ireland, or the Parochial Board in Scotland, should be at liberty to appeal against the warrant of removal without any such consent or interference on the part of the English Poor Law Board as is required by the 8 & 9 Vict. c. 117, s. 4; and should be respectively authorised to defray out of the funds in their hands all expenses necessary for the proper investigation of the case and the prosecution of the appeal.

"8. That in every case of actual removal the pauper should be delivered at the workhouse of the union in Ireland, or to an inspector of the poor of the parish in Scotland, within which the place of birth or residence, as stated in the warrant, is situate.

"9. That an authority similar to that which they now possess with regard to pauper emigration (under the 4 & 5 Will. 4, c. 76, s. 62) should be given to the Poor Law Board to make regulations (with the approval of the Secretary of State for the Home Department) as to the time and manner of carrying out removals from England to Ireland or Scotland.

"10. That, so far as the Committee have been able, consistently with the terms of the inquiry committed to them by The House, to investigate the operation of the Irremovable

Act, 9 & 10 Vict. c. 66, they find reason to believe that the period of residence necessary to acquire the privilege of irremovability under section 1 of that Act, might be properly reduced from five years to three years, and that the area of residence for the same purpose might be properly enlarged from the parish to the union.

"11. That as doubts appear to have been entertained by some magistrates and some Boards of Guardians, whether the provisions of the Act (9 & 10 Vict. c. 66,) extend to poor persons born in Ireland or Scotland, it is expedient to remove those doubts by an express declaratory enactment in the affirmative."

Resolutions proposed by Mr. *Dunlop*, read 1°, as follows:

"*With regard to Removals from* SCOTLAND *of chargeable Poor Persons born in* ENGLAND, IRELAND, *&c.*

"1. That the hearing and examination required for the purpose of obtaining a warrant of removal, under the 8 & 9 Vict. c. 83, should be, in all cases, open and public; and that the depositions of the pauper and witnesses should be committed to writing.

"2. That the warrant of removal, in addition to the matters specified in the form given in the Schedule (A.) of the said statute, should contain an express finding that the pauper had not, at the time, a settlement in Scotland, and that he was in a state of health which admitted of his removal; and that it should set forth the place in England or Ireland to which he is to be removed, together with the name and age of every child ordered to be removed.

"3. That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal, and a statement of the case, similar to those required by the 8 & 9 Vict. c. 83, and the regulations thereunder, to be given to parishes in Scotland against which a claim of recourse is to be made, should be sent to the Board of Guardians of the union in England or Ireland within which the place is situate to which the pauper is to be removed, and that such Board of Guardians should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was granted.

"4. That no pauper should be removed of his own consent under the provision of the 77th section of the 8 & 9 Vict. c. 83, unless such consent be given in presence of the Sheriff or a Justice of the Peace, and a certificate granted by such Sheriff or Justice that the consent was so given, and that the pauper is in a state of health admitting of his being removed.

"5. That the pauper should be delivered at the workhouse of the union or parish in England, or of the union in Ireland, within which the place is situate to which he is ordered to be removed, or if, in England, there be no workhouse in such union or parish, to a relieving officer or overseer thereof.

"6. That removals should be carried out pursuant to regulations to be made by the Board of Supervision, and approved of by the Secretary of State for the Home Department.

"7. That all doubts should be removed, as to the right of the Board of Guardians in England and Ireland, to whose union a pauper has been removed, or has been ordered to be removed, to apply for suspension of the warrant of removal in all cases in which the pauper was not legally removable from Scotland, and also to recover from the removing parish the expenses thereby occasioned to such Board of Guardians.

"8. That a settlement once acquired by residence should not be lost by lapse of time, under the provisions of the 76th section of the 8 & 9 Vict. c. 83, till the expiration of the full period of five years therein mentioned; and that this should be secured by a declaratory enactment to that effect.

"9. That with reference alike to the acquisition and to the loss of settlement, residence in any part of a town consisting of separate parishes, or parts of separate parishes, though not continuously in the same parish, should have the same effect as if such residence had been continuously in the same parish."

Resolutions proposed by Mr. *Maguire*, read 1°, as follows:

"1. *Resolved*, That, in the opinion of this Committee, the laws by which Boards of Guardians in England and Wales, and Parish Boards in Scotland, are enabled annually to remove to certain ports in Ireland great numbers of Irish-born poor, who seek for employment and desire to take up their abode in other parts of the United Kingdom, inflict many grievous hardships on the class most entitled to sympathy and protection, violate the principles of liberty and natural justice, restrict the free circulation of labour, directly tend to promote vagrancy, induce disease, and increase destitution, and are, besides, of no practical advantage to those localities which are anxious to maintain them in unimpaired force.

"2. That the evidence taken before this Committee, especially that given by Mr. Pashley, Mr. Doyle, Mr. Coode, Mr. Senior, and Mr. Trevor, fully justifies the adoption of these views of the operation of the law of removal, and the consequences which it entails on the poor as well as on the community.

"3. That, in the opinion of this Committee, it is manifestly contrary to the dictates of a wise and sound policy to legislate for the people of the same empire, and the subjects of the

the same Sovereign, in a different spirit; and therefore it is essential that the just claims of the poor born in Ireland, to be placed on the same footing with the poor of England and Wales, should be practically recognised in any measure brought in by the Government for the abolition of the law of removal.

"4. That the system, now so fraught with evils, would become intolerable, if the power of removing English poor were abolished, while the Irish-born poor were still subjected to the operation of the laws now in force, and thus liable to removal against their will from those parts of the United Kingdom which they had selected as the place of their residence, and the theatre of their industry."

Motion made, and question put, "That, in the opinion of this Committee, the laws by which Boards of Guardians in England and Wales, and Parish Boards in Scotland, are enabled annually to remove to certain ports in Ireland great numbers of Irish-born poor, who seek for employment and desire to take up their abode in other parts of the United Kingdom, inflict many grievous hardships on the class most entitled to sympathy and protection, violate the principles of liberty and natural justice, restrict the free circulation of labour, directly tend to promote vagrancy, induce disease, and increase destitution, and are, besides, of no practical advantage to those localities which are anxious to maintain them in unimpaired force." (Mr. *Maguire*.) Committee divided:

Ayes, 4.	Noes, 7.
Mr. Maguire.	Mr. Ingham.
Sir R. Ferguson.	Mr. Archibald Hastie.
Lord Naas.	Sir J. Trollope.
Mr. De Vere.	Mr. Dunlop.
	Mr. Alexander Hastie.
	Mr. Cheetham.
	Mr. Smollett.

Motion made and question, "That the evidence taken before this Committee, especially that given by Mr. Pashley, Mr. Doyle, Mr. Coode, Mr. Senior, and Mr. Trevor, fully justifies the adoption of these views of the operation of the law of removal, and the consequences which it entails on the poor as well as on the community" (Mr. *Maguire*), put, and negatived.

Motion made, and question put, "That, in the opinion of this Committee, it is manifestly contrary to the dictates of a wise and sound policy to legislate for the people of the same empire, and the subjects of the same Sovereign, in a different spirit; and therefore it is essential that the just claims of the poor born in Ireland, to be placed on the same footing with the poor of England and Wales, should be practically recognised in any measure brought in by the Government for the abolition of the law of removal." (Mr. *Maguire*.) Committee divided:

Ayes, 5.	Noes, 6.
Mr. Ingham.	Mr. Archibald Hastie.
Mr. Maguire.	Sir J. Trollope.
Sir R. Ferguson.	Mr. Dunlop.
Lord Naas.	Mr. Alexander Hastie.
Mr. De Vere.	Mr. Cheetham.
	Mr. Smollett.

Motion made, and question put, "That the system, now so fraught with evils, would become intolerable, if the power of removing English poor were abolished, while the Irish-born poor were still subjected to the operation of the laws now in force, and thus liable to removal against their will from those parts of the United Kingdom which they had selected as the place of their residence, and the theatre of their industry." (Mr. *Maguire*.) Committee divided:

Ayes, 4.	Noes, 7.
Mr. Maguire.	Mr. Ingham.
Sir R. Ferguson.	Mr. Archibald Hastie.
Lord Naas.	Sir J. Trollope.
Mr. De Vere.	Mr. Dunlop.
	Mr. Alexander Hastie.
	Mr. Cheetham.
	Mr. Smollett.

Motion made, and question, "That in the opinion of this Committee, the hearing and examination before justices, required for the purpose of obtaining a warrant of removal under 8 & 9 Vict. c. 117, should in all cases be open and public; and, when within the metropolitan police district, should be before a metropolitan police magistrate" (Mr. *Baines*), put, and agreed to.

Motion made, and question proposed, "That the depositions of the pauper and witnesses should be taken *vivâ voce*, and committed to writing" (Mr. *Baines*).—Amendment proposed, to add the words "in the presence of the magistrate or magistrates" (Mr. *Maguire*),

at the end of the question:—Question put, "That those words be there added." Committee divided:

Ayes, 3.	Noes, 8.
Mr. Maguire.	Mr. Ingham.
Lord Naas.	Mr. Archibald Hastie.
Mr. De Vere.	Sir J. Trollope.
	Mr. Dunlop.
	Mr. Alexander Hastie.
	Sir R. Ferguson.
	Mr. Cheetham.
	Mr. Smollett.

Main question put, and agreed to.

Motion made and question, "That the warrant of removal, in addition to the other matters upon which the justices are required to adjudicate, should contain an express adjudication that the pauper was not at the time of making the warrant irremovable, under the 9 & 10 Vict. c. 66, from residence, sickness, accident, or otherwise" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That the name and age of every child under the age of 16, ordered to be removed, should be stated in the warrant of removal" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That the warrant should state the place where the justices find the pauper to have been born, or to have resided, or the union in Ireland, or the parish in Scotland, in which such place is situated" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal, and statement of grounds of removal, similar to those required by the 4 & 5 Will. 4, c. 76, s. 79, and the 11 & 12 Vict. c. 31, in the case of a removal from parish to parish in England, should be sent, *mutatis mutandis*, to the Board of Guardians of the union in Ireland, or to the Parochial Board of the parish in Scotland, within which the place is situate where the justices so find the pauper to have been born or to have resided; and that such Board of Guardians or Parochial Board should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was made" (Mr *Baines*), put, and agreed to.

Motion made, and question, "That the Board of Guardians in Ireland, or the Parochial Board in Scotland, should be at liberty to appeal against the warrant of removal without any such consent or interference on the part of the English Poor Law Board as is required by the 8 & 9 Vict. c. 117, s. 4; and should be respectively authorised to defray out of the funds in their hands all expenses necessary for the proper investigation of the case, and the prosecution of the appeal" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That in every case of actual removal, the pauper should be delivered at the workhouse of the union in Ireland, or to an inspector of the poor of the parish in Scotland, within which the place of birth or residence, as stated in the warrant, is situate," (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That an authority similar to that which they now possess with regard to pauper emigration (under the 4 & 5 Will. 4, c. 76, s. 62) should be given to the Poor Law Board to make regulations (with the approval of the Secretary of State for the Home Department) as to the time and manner of carrying out removals from England to Ireland or Scotland," (Mr. *Baines*), put, and agreed to.

Motion made, and question proposed, "That so far as the Committee has been able, consistently with the terms of the inquiry committed to them by the House, to investigate the operation of the Irremovable Act, 9 & 10 Vict. c. 66, they find reason to believe that the period of residence necessary to acquire the privilege of irremovability, under section 1 of that Act, might be properly reduced from five years to three years; and that the area of residence for the same purpose might be properly enlarged from the parish to the union." (Mr. *Baines*).—Amendment proposed, to leave out from the words "believe that the" to the end of the question, in order to add the words: "area of residence necessary to acquire the privilege of irremovability, under section 1 of that Act, might be properly enlarged from the parish to the union" (Sir *J. Trollope*), instead thereof:—Question put, "That the words, 'period of residence necessary to acquire the privilege of irremovability, under section 1 of that Act, might be properly reduced from five years to,' stand part of the question."—Committee divided:

Ayes, 7.	Noes, 4.
Mr. Ingham.	Mr. Archibald Hastie.
Mr. Maguire.	Sir J. Trollope.
Mr. Dunlop.	Mr. Cheetham.
Mr. Alexander Hastie.	Mr. Smollett.
Sir R. Ferguson.	
Lord Naas.	
Mr. De Vere.	

Another

Another Amendment proposed, to leave out the words "three years," and insert the words "one year" (Mr. *Maguire*), instead thereof:—Question put, "That the words 'three years' stand part of the Question."—Committee divided:

Ayes, 7.	Noes, 4.
Mr. Ingham.	Mr. Maguire.
Mr. Archibald Hastie.	Sir R. Ferguson.
Sir J. Trollope.	Lord Naas.
Mr. Dunlop.	Mr. De Vere.
Mr. Alexander Hastie.	
Mr. Cheetham.	
Mr. Smollett.	

Another Amendment proposed, to leave out the word "union," and insert the words "whole of England" (Mr. *De Vere*), instead thereof:—Question put, "That the word 'union' stand part of the question."—Committee divided:

Ayes, 8.	Noes, 3.
Mr. Ingham.	Mr. Maguire.
Mr. Archibald Hastie.	Lord Naas.
Sir J. Trollope.	Mr. De Vere.
Mr. Dunlop.	
Mr. Alexander Hastie.	
Sir R. Ferguson.	
Mr. Cheetham.	
Mr. Smollett.	

Main question, "That so far as the Committee has been able, consistently with the terms of the inquiry committed to them by The House, to investigate the operation of the Irremovable Act, 9 & 10 Vict., c. 66, they find reason to believe that the period of residence necessary to acquire the privilege of immovability, under section 1 of that Act, might be properly reduced from five years to three years, and that the area of residence for the same purpose might be properly enlarged from the parish to the union," put, and agreed to.

Motion made, and question, "That as doubts appear to have been entertained by some magistrates and some Boards of Guardians, whether the provisions of the Act (9 & 10 Vict. c. 66, s. 1), extend to poor persons born in Ireland or Scotland, it is expedient to remove those doubts by an express declaratory enactment in the affirmative" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That the hearing and examination required for the purpose of obtaining a warrant of removal, under the 8 & 9 Vict. c. 83, should be, in all cases, open and public; and that the depositions of the pauper and witnesses should be committed to writing" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That the warrant of removal, in addition to the matters specified in the form given in the Schedule (A.) of the said statute, contain an express finding that the pauper had not, at the time, a settlement in Scotland, and that he was in a state of health which admitted of his removal; and that it set forth the place in England or Ireland to which he is to be removed, together with the name and age of every child ordered to be removed" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That a notice of chargeability, accompanied by a copy or counterpart of the warrant of removal, and a statement of the case, similar to those required by the 8 & 9 Vict. c. 83, and the regulations thereunder, to be given to parishes in Scotland against which a claim of recourse is to be made, should be sent to the Board of Guardians of the union in England or Ireland within which the place is situate to which the pauper is to be removed; and that such Board of Guardians should be entitled to receive, on application, a copy of the depositions on which the warrant of removal was granted" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That no pauper should be removed of his own consent under the provision of the 77th section of the 8 & 9 Vict. c. 83, unless such consent be given in presence of the Sheriff or a Justice of the Peace, and a certificate granted by such Sheriff or Justice that the consent was so given, and that the pauper is in a state of health admitting of his being removed" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That the pauper should be delivered at the workhouse of the union or parish in England, or of the union in Ireland, within which the place is situate to which he is ordered to be removed, or if, in England, there be no workhouse in such union or parish, to a relieving officer or overseer thereof" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That removals should be carried out pursuant to regulations to be made by the Board of Supervision, and approved of by the Secretary of State for the Home Department" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That all doubts should be removed, as to the right of the Board of Guardians in England and Ireland, to whose union a pauper has been removed, or has

has been ordered to be removed, to apply for suspension of the warrant of removal in all cases in which the pauper was not legally removable from Scotland, and also to recover from the removing parish the expenses thereby occasioned to such Board of Guardians" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question proposed, "That a settlement once acquired by residence should not be lost by lapse of time, under the provisions of the 76th section of the 8 & 9 Vict. c. 83, till the expiration of the full period of five years therein mentioned; and that this should be secured by a declaratory enactment to that effect." (Mr. *Dunlop*).—Amendment proposed, to leave out from the words "acquired by" to the end of the question, in order to add the words: "A five years' residence be not lost until the acquisition of a new settlement elsewhere, and that this be secured by an enactment to that effect (Mr. *Alexander Hastie*), instead thereof:—Question put, "That the words proposed to be left out stand part of the question."—Committee divided:

Ayes, 6.	Noes, 5.
Mr. Ingham.	Mr. Maguire.
Mr. Archibald Hastie.	Mr. Alexander Hastie.
Sir J. Trollope.	Sir R. Ferguson.
Mr. Dunlop.	Lord Naas.
Mr. Cheetham.	Mr. De Vere.
Mr. Smollett.	

Main question put, and agreed to.

Motion made, and question, "That a settlement once acquired by residence be not lost by lapse of time, under the provisions of the 76th section of the 8 & 9 Vict. c. 83, till the expiry of the full period of five years therein mentioned; and that this should be secured by a declaratory enactment to that effect" (Mr. *Dunlop*), put, and agreed to.

Motion made, and question, "That the above Resolutions be reported to The House" (Mr. *Baines*), put, and agreed to.

Motion made, and question, "That the Minutes of Evidence be reported to The House" (Mr. *Baines*), put, and agreed to.

Ordered to Report.

EXPENSES OF WITNESSES.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and back.	Allowance during Absence from Home.	TOTAL Expenses Allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
James Corder -	Clerk to Board of Guardians.	Birmingham - -	2	2 5 –	2 2 –	4 7 –
J. Ellison - -	Gentleman - -	Detained in London -	5	- -	5 5 –	5 5 –
A. Trevor - -	Chairman, Board of Guardians.	Chester - - -	4	4 1 –	4 4 –	8 5 –
W. Willoby - -	Solicitor - -	Berwick - - -	3	8 – –	6 6 –	14 6 –
J. Darlington -	Ditto - - -	Bradford - - -	3	5 – –	6 6 –	11 6 –
G. Grey - -	Assistant Overseer -	Newcastle - -	3	5 10 –	3 3 –	8 13 –
W. Wilson - -	Gentleman - -	Whitehaven, near -	3	8 5 –	3 3 –	11 8 –
					£.	63 10 –

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Lunæ, 12° *die Martii*, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. Geo. A. Hamilton.
Mr. Ingham.	Sir Robert Ferguson.
Mr. Locke King.	Mr. Maguire.
Mr. Dunlop.	Mr. De Vere.
Mr. Archibald Hastie.	Mr. Alexander Hastie.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

James Corder, Esq., called in; and Examined.

James Corder, Esq.

12 March 1855.

1. *Chairman.*] I BELIEVE you were educated for the law, and were for many years a member of Lincoln's-Inn?—Yes, and am now.

2. And you practised under the Bar?—I did.

3. Did you at any time occupy the office of vestry clerk of St. Paul, Covent-garden?—I was eight years vestry clerk of St. Paul, Covent-garden.

4. Were you after that in a similar office in the Strand Union?—After that, I was ten years clerk to the Board of Guardians of the Strand Union.

5. Have you filled any Poor-law office at Birmingham for the last six years?—I have been nearly six years, and am now clerk to the guardians of the poor of Birmingham.

6. In all those three places, St. Paul, Covent-garden, the Strand Union, and Birmingham, have you had extensive experience of the working of the present and former Acts relating to the removal of Irish paupers?—I have during those 24 years.

7. This Act and the former Acts?—This Act and the former Acts, and I am and always have been in the habit of preparing all examinations and orders for removal of Irish and Scotch poor as well as English.

8. Your attention has been called to the subject of the inquiries of this Committee?—It has.

9. Can you give the Committee information with regard to the operation of the present law of Irish removal?—The Irish are generally averse to being removed to Ireland, and I frequently find that they will forego relief rather than incur the liability of being so passed; and I have known some instances in which they have returned almost as soon as the officer who conveyed them; they greatly prefer out-relief to relief in the workhouse, and frequently reject the latter if they cannot obtain the former.

10. Have you observed whether removals to Ireland have diminished of late years, or otherwise?—They have diminished of late years considerably.

11. To what circumstances do you ascribe that?—I think the diminution is owing to the passing of the irremovable Act of 9 & 10 Vict. c. 66, and other causes, amongst which may be enumerated the plentifulness of employment during the last four or five years, until quite recently.

12. Can you inform the Committee what numbers of removals of the Irish took place from Birmingham to Ireland within the last four years?—In the year 1851, 17 orders were made, including 27 persons; in the year 1852, 29 orders, including 51 persons; in 1853, 13 orders, including 23 persons; and in the year 1854, 18 orders, including 24 individuals.

13. Were all those orders executed?—No, many of them were not; the parties preferring to leave the workhouse rather than be passed.

James Corder, Esq.

12 March 1855.

14. Have you known difficulty in obtaining the examinations of Irish paupers?—I have frequently known Irish paupers refuse to be sworn; sometimes from a desire to defeat the proposed removal, and sometimes from a reluctance on religious grounds, as it appeared, to take an oath. Irish women, during a state of pregnancy, have a great repugnance to being sworn.

15. You have observed that?—I have observed it in numerous cases. When we have had a great pressure of Irish pauperism, there has been a general refusal to be sworn: it has been found requisite to obtain the influence of the Catholic priests to prevail upon them to be sworn.

16. I believe you have had some cases of that sort occurring very lately?—Recently.

17. In April 1847, the period that we have heard of as the Irish famine, what number had you relieved in Birmingham?—1,761 Irish persons were relieved in the short space of 21 days.

18. With what kind of relief?—Out-relief, at the cost of 138 *l.* 9 *s.* 6 *d.* Most of these paupers were afterwards admitted into a temporary workhouse provided for them, and remained there some time. Out of this number, only 360 consented to be removed; and from August 6th to September 18th, in the same year, such removals cost the town of Birmingham 222 *l.* 6 *s.* In several instances, they returned almost immediately after removal, and are now residing in Birmingham, and frequently claim relief as irremovable poor.

19. You were going to mention the experience which you have very recently had upon the subject; what is that?—The recent influx of Irish paupers in Birmingham has far exceeded that which I have described as having occurred in 1847.

20. When you speak of the "recent influx," what period of time are you speaking of?—It began very soon after the late severe weather set in.

21. You mean this year?—This year; and the relief officers were for a period of five weeks besieged with crowds of applicants for relief, almost entirely consisting of Irish labourers and their families.

22. How was it with regard to the English applicants?—The English applicants, during the same period, diminished in number; and the discharges in the workhouse daily frequently exceeded the number of admissions.

23. During this recent pressure, did you observe anything with regard to the reluctance, on the part of the Irish, to go into the workhouse?—I have ascertained that 3,000 orders of admission to the workhouse were offered, many of which were torn up and trampled under foot on the spot; and I have not been able to discover (in fact, I have ascertained to the contrary) that in a single instance out of the whole 3,000 orders so offered, was the house accepted.

24. Are you speaking of 3,000 orders being offered to Irish?—To Irish poor.

25. What had you to do under those circumstances?—We were obliged to give out-relief by wholesale; it would have been utterly impracticable to have enforced the law by making removals to Ireland; in fact, I am sure the peace of the town would have been endangered. As it was, it was deemed advisable to take every precaution to prevent riot and disturbance.

26. Have you a return, showing the number of able-bodied relieved out of the house, and the cost of such relief, distinguishing the English and Irish, during the period of which you have now been speaking?—I have. If you will allow me, I will read it: "Parish of Birmingham. Able-bodied poor relieved out of the workhouse, between 27th January and 3d March 1855, being a period of five weeks. Irish, number of cases, 3,360; English, 503; excess of Irish over English, 2,857 cases. Individuals, Irish, 12,554; English, 1,904; excess of Irish individuals over English, 10,650. Cost of out-relief, Irish, 1,183 *l.* 18 *s.* 8¼ *d.*; English, 187 *l.* 16 *s.* 2½ *d.*; excess of Irish over English in the cost of the relief, 996 *l.* 2 *s.* 5¾ *d.* The total number of Irish relieved out of the house during the year ended Michaelmas 1854, was as follows: cases, 792; individuals, 1,925; amount of relief, 768 *l.* 9 *s.* 3 *d.*

27. You say that this pressure showed itself first when the very inclement weather came on?—It did.

28. What has taken place since with regard to this pressure, has it continued

or

or lessened?—As soon as the frost broke up, the great bulk of Irish paupers ceased to apply for relief, having, as I believe, returned to their labour.

29. What kind of labour was it, chiefly?—Chiefly out-door work, which could not be carried on during the inclemency of the weather; some, however, continued to apply, but those, generally, were got rid of by the house being offered to them.

30. Among the cases which you had, had you reason to believe that there were a considerable number of cases of imposition?—There were numerous cases of attempted imposition. I heard one man admit that he was joint owner with his brother of a farm in Ireland, and that he had 50 *l.* in the bank.

31. Was that on being questioned?—On being questioned. He admitted the impropriety of his having applied for relief, and said, if he was allowed to go, he would never appear there again. A woman, who pleaded great poverty, was, on being minutely examined by an experienced female searcher, found to have 8 *s.* 6 *d.* in money concealed on her person.

32. Were there any other cases?—Three men were known to leave their boat on the canal to come for relief. Women in numerous instances represented their husbands as being in Wolverhampton, and even in America, who actually produced their husbands, when they found they could not get relief without, within a couple of hours. Parties applied three or four times over in different names, and gave wrong addresses.

33. You have ascertained these facts?—I have; I spoke to a very honest Irishman a day or two since, who said he had not applied for relief during this pressure; he was earning 16 *s.* a week, which supported himself and his wife and his two children; but he knew of numerous instances in which parties very much better off than himself had applied for relief and obtained it.

34. You are acquainted with the provisions of the Act empowering the magistrates, on application, to make an order of removal to Ireland?—I am.

35. In the first place, has your attention been drawn to the terms of that Act, as to whether they are compulsory or permissive to the magistrates?—The last Act of Parliament, the Act now in operation, the 8 & 9 Vict. c. 117, invests the magistrates with a discretionary power. Under former Acts of Parliament it was compulsory upon them to make the removal.

36. Will you read the few words of the present Act which bear upon this question?—"And at such time and place, or on the attendance of such person, any two justices may hear and examine into the matter of such complaint, and if it be made to appear to their satisfaction that such person is liable to be so removed as aforesaid, and if they see fit, they may make and issue a warrant under their hands and seals to remove such person forthwith at the expense of such union or parish." In all prior Acts the word "shall" is used; in the present Act the words are merely permissive, that is, they "may if they see fit."

37. In what way have those words been acted upon by the magistrates of Birmingham?—Of late the magistrates have availed themselves of this discretion, and have frequently declined to issue their warrant.

38. When you say "of late," what period are you speaking of?—Within probably the last three years.

39. They have, in fact, exercised the discretion vested in them by the Act of Parliament?—They have.

40. And have so exercised it as to decline in many cases to make the order?—Yes.

41. Is there a case of the Queen *v.* All Saints, Derby, the operation of which has come under your notice?—Yes.

42. Just state to the Committee what the point in that case is?—An opinion was expressed by one of the judges, Mr. Justice Coleridge, that where the head of the family was away, the wife and children were not liable to be removed to Ireland, inasmuch as the Act required that the head of the family should be summoned to give evidence as regards the place of birth.

43. What section of the Act has that relation to?—It is the second section of the Act.

44. Will you read the words?—"That if any person born in Scotland or Ireland, or in the Isle of Man, or Scilly, or Jersey, or Guernsey, not settled in England, become chargeable to any parish in England by reason of relief given

James Corder, Esq.

12 March 1855.

to himself or herself, or to his wife, or to any legitimate or bastard child, such person, his wife, and any child so chargeable shall be liable to be removed respectively to Scotland, Ireland, the Isle of Man, Scilly, Jersey or Guernsey; and if the guardians of such parish, or of any union in which the same may be comprised, or where there are no such guardians, if the overseers of such parish complain thereof to any one justice of the peace, such justice may, if such person do not attend voluntarily, summon him to come before any two justices of the peace at any time and place to be named in the summons;" and then they are to make an order "if they see fit."

45. Just read the words?—"And at such time and place, or on the attendance of such person."

46. Have those words given rise to the doubt which you just now stated, that the head of the family himself is the person meant by "such person," and that if he is not there, you cannot deal with the matter at all?—It has been considered that in his absence the magistrates have no jurisdiction.

47. That is the doubt which has been expressed?—That is the doubt, and our magistrates now act upon it; they have refused to make orders in many cases in which the head of the family has been away; in fact, there seems so great an indisposition to make orders, that I think the magistrates are glad to avail themselves of these grounds for declining to do so.

48. Have you considered how far it would be practicable to do away altogether with the power of removal of an Irish pauper from England to Ireland; what opinion have you formed upon that question?—I think it would be dangerous to repeal the law for the removal of poor persons born in Ireland, the provisions of which are now much modified as contrasted with former Acts of Parliament.

49. Will you state the grounds upon which you come to the conclusion that it would be dangerous to repeal it?—I think in large towns like Birmingham it would tell fearfully upon the rate-payers, and be productive of very serious consequences.

50. What consequences should you anticipate?—The expenditure would be very largely increased; I believe that the knowledge that we possess the power of making orders of removal tends very much indeed to check and discourage applications for relief on the part of the Irish poor.

51. And in your opinion, if the power were altogether taken away, that check being wanting, evil consequences would result?—I think so.

52. Has your attention been drawn to cases of hardship which have occurred?—I have known cases of individual hardship in these removals, where the parties have been 30 or 40 years in England, and have become as it were naturalized, so that their removal to Ireland has almost been tantamount to expatriation or even transportation; but these cases have not been numerous, and such individuals have now, I think, ample protection, in the discretionary power vested in the magistrates. I have frequently heard men say, "Pray, do not send me to Ireland, your Honor; I have been in England these 40 years. I know no one in Ireland;" but not having resided five years in our own township, of course they were liable to be removed, although they had resided 40 years in England.

53. And I think you say that in answer to appeals of that kind your magistrates have refused to make orders?—They have.

54. Exercising the discretionary power vested in them by this Act of Parliament?—Yes; they have adjourned the case *sine die*, and so it has gone off.

55. Has your attention been drawn to certain statements which were made before this Committee last year, as bearing upon the administration of the Poor-law in Birmingham?—It has.

56. Have you a copy of our proceedings before you?—I have.

57. Will you turn to the case of a person of the name of Mary Kiley, question 1066. This appears upon the notes as part of the answer of Mr. O'Shaughnessy, the clerk of the Cork Union: "'Mary Kiley, aged 30 years, with one child, states that she was three years in England, that she is married, and that her husband is now in London; about the 1st April ultimo, she was taken ill, and applied for relief to the parish authorities in Birmingham, when she and her child were admitted into the workhouse for one week;' she stated that her husband at this time was looking for employment, and was to have returned within a few weeks." 1067. "'At the expiration of which time, without any previous warning being given,

given, either to her herself or to her husband, she was forcibly put into a railway carriage for Liverpool: ' she stated that they asked whether her husband was in Birmingham, and that if so, they would find him out, and she said that she believed he was not in Birmingham; that he had gone into the country some distance from Birmingham to look for work." Did you make any inquiry concerning that case?—I inquired fully into that case, and I have obtained from the removing officer a report; I have not been satisfied with that report without making personal inquiries, and convincing my own mind that the statement in that report is true; I will hand it in; perhaps you will allow me to read it.

58. If you please?—" Birmingham, 105, Benacre-street, March 10th, 1855. Sir,—I beg to inform you, that on the 21st day of March 1854, Mary Kylie and her daughter Margaret were admitted into the Birmingham workhouse on the ground of destitution, and not illness, neither was she nor her child under medical treatment during their stay in the workhouse; and on the 23d (two days after), she was taken before the magistrates at the public office, and sworn, and an order made for her removal to Cork, after which she was taken back to the workhouse, where she and her child remained five days longer, during which period at any time, if she had wished not to be removed to Ireland, she could have left by giving the usual notice to the master; but not having done so, I did, on the 28th of the same month, take her and her child by railway to Liverpool, where I kept them until the vessel started the following day, when, after supplying them with provisions for their journey, and giving them in money 1 *s.* 6 *d.*, I delivered them, with the order, to Captain Byrne, on board the "Minerva," at the Sandon Docks, at the same time paying their passage money, 10 *s.*, to Cork. I solemnly declare that no force whatever was used in putting her into the railway carriage, or otherwise. I am, sir, your most obedient servant, *John White*, Removal Officer." Then I have searched the Medical Relief Book of the workhouse, in which the names of all parties who are at all medically treated are entered, and I find that she was not medically treated during her stay in the house. I have also the original order of admission, signed by the relieving officer, which I produce, from which it appears that she was admitted on the ground of destitution; illness is not mentioned. Here is also her examination before the magistrates, and the order; the order is made upon her own examination: " Mary Kylie, her mark;" and she had ample opportunity, if she had pleased, of stating any objection to the magistrates why she should not be removed. The examination is in the form given in the Schedule to the Act of Parliament.

59. Has your attention also been called to the case of a person of the name of Michael Benson, mentioned at question 1892?—It has.

60. It is stated in the evidence, " In the case of Michael Benson, Vail-court, Park-street, Birmingham, he was sent over, not having been sworn; sent over by the authorities of Birmingham"?—I have seen the father of Michael Benson within the last day or two, and I have his statement in writing, which I will read to the Committee. He would have been here to-day to have given evidence if the Committee had wished to have seen him, but I thought it would not be regular to produce him without an order from the Committee; if the Committee should wish it, I will send him up from Birmingham. " Michael Benson, 40 years of age, a labourer residing in the Royal Exchange Yard, Dale End, Birmingham (No. 7 house), states; ' My son, Michael Benson, who formerly lived in Vail-court, was sent by me to Ireland about three years ago, to his uncle, Bartholomew Kerans, at Ossey, in the county of Galway; he was then about 14 years of age, and was sent at the uncle's request, who promised to provide for him. I paid the fare myself; I never applied to the parish on his behalf or my own, nor did I ever consult any of the parish officers in the matter. Bartholomew Kerans has informed me, by letter, that my son never went back to him since he left him about three years ago, and I believe the reason is because he stole 1 *l.* 6 *s.* out of his aunt's box when he was with them, previous to my sending him back, and was afraid to return to them. Witness my hand, *Michael Benson*, June 2d, 1854. Witness to the signature of Michael Benson, *E. A. Rutherford.*' " I beg to state, too, that I have searched the books, and find that no charge for the conveyance of Michael Benson, or any person of the name of Benson, to Liverpool or to Ireland has ever been paid by the authorities of Birmingham.

61. Then what you infer from all this, I suppose, is, that the Michael Benson who appeared and made this representation of himself stated falsely that he had been

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been sent from Birmingham?—Most undoubtedly; no such person has ever been sent by the authorities of Birmingham.

62. In the Appendix to our former Evidence, page 636, a person of the name of Honor Cusack, is mentioned in connexion with Birmingham; does this passage appear there: "Honor Cusack, 26 years of age, states, that she was born near Westport (Mayo), lived there till four years old, when she came to Birmingham, where she has since lived; got relief last April, and afterwards was taken into the workhouse; was taken before magistrates and sworn as to the place of her birth (Mayo). Was placed in a steamer with a man named William Holland, and sent to Dublin"?—Yes.

63. Do you wish to make any observation upon that case?—I will read the following statement: "18th July 1851. The voluntary statement of Henry Brassington." He says, "I am an inmate of this establishment" (meaning the Birmingham workhouse), "and assist in the office. I perfectly well remember the examinations of William Holland and Ellen Cusack being taken, preparatory to their being removed to Ireland. I was present at the time; it was in the month of May last. Mr. Corder took the examinations and prepared the order, and I made the duplicate copies. I distinctly remember, in the case of Ellen Cusack, that Mr. Corder asked her what port would be nearest to the county of Galway, and she said Dublin; that I distinctly remember. I also remember that when she was under examination by Mr. Corder, she denied that she had any child, and when she got to the public office in Moor-street she admitted she had a child, and Mr. Corder had to amend the examination and order."

64. Is there anything further which you wish to state with regard to Honor Cusack?—No; only that she was sent to Dublin at her own request.

65. Mr. *Maguire.*] Is that the entire information which you have about that case?—Yes.

66. Did you look at the statement made here on her behalf in page 636?—I did.

67. Just read it again if you please?—I have read it.

68. Do you find that there is any portion of that statement which requires a specific answer on the part of the parochial authorities or the magistrates?—She "lived there till four years old" (that is, at Westport), "when she came to Birmingham, where she has since lived."

69. What is there stated as her age?—Twenty-six; it would appear there upon the face of it that she was irremovable, but I am satisfied that she could not have been so, because I am entirely opposed to the removal of any person who has acquired the privilege of irremovability by five years' residence; and I was the first person in Birmingham who prevented such removals being made, and I should not have passed this case over, if upon examining the party I had found that she had resided five years in Birmingham without a break, as we call it.

70. Do you know of your own knowledge whether the statement made by that woman is false or true?—I do not know that her statement was untrue, but this I am quite satisfied of, that if it had appeared in the examination of her that she had resided five years continuously in Birmingham, I never should have allowed the order to have been made.

71. Was she examined as to that fact?—No doubt she must have been.

72. Have you a copy of the examination?—I have not a copy of the examination, but it was precisely the same as that in the case of Mary Kiley; we follow the form in the Act; it is a printed form.

73. Was it a matter of so little importance that the magistrates did not depart from the usual formula in that case where there is a statement that she has resided 22 years in Birmingham?—This is not her statement to the magistrates or to us; this is a statement made apparently to some authority in Ireland.

74. Can you tell the Committee whether she was examined or not as to the fact of the length of her residence in Birmingham?—My belief is, from my general practice, that she must have been; I have no distinct recollection of the case.

75. I am asking as to a specific case; you know nothing about the fact?—I have no distinct recollection of this particular case.

76. *Chairman.*] But you say that, from your uniform practice, you feel confident that that course took place which you have now mentioned?—Yes.

77. Mr. *Maguire.*] When did you read that statement?—Some months since.

78. Were

78. Were you struck by her assertion as to the length of her residence in Birmingham?—No, I must confess I was not. *James Corder*, Esq. 12 March 1855.

79. *Chairman.*] Coming to the case of William Holland, have you any observations to make about that case; that is one which is found at question 1835; there is the following statement there,—"William Holland, 87 years of age, admitted 22d of May 1854, stated that he resided in England for 36 years; that on making application for relief he was sent over to Dublin by the authorities; born in Belfast." Then again at question 1950, with reference to the same man, there is this statement,—"The next case which I have, of what I consider to be illegality, is William Holland, who was removed from Birmingham; 76 years of age." It was "87 years of age" in the former answer. The case is also mentioned in the Appendix, page 636. This appears, "William Holland, 76 years of age, states that he was born in Cork, where he lived till 26 years old; left Cork and came to Dublin; remained six months. After leaving Dublin, worked in different parts of England, Ireland and Scotland; never stopped two years in any one place; came to Birmingham, and was taken to the workhouse, being found in a state of destitution; was placed on a steamer in Liverpool, and did not know that he was going to Dublin till on board; in his examination previous to his removal to Ireland, does not recollect telling the magistrates that he ever was in Dublin." Have you inquired in respect of that case?—Here is a statement which I took in the month of July 1851, very soon after this removal, from the removing officer, relating to that case,—"James Edmonds states, I am employed to remove the Irish paupers from Birmingham; I remember removing William Holland to Liverpool in May last, for the purpose of being passed to Cork. When I arrived at Liverpool I found that no vessel would be sailing for Cork for four days; the man said he wished to go to Dublin, for he had friends there, and did not wish to go to any union; thereupon at his own request I put him on board a vessel bound for Dublin. Signed, *James Edmonds.* Witness, *E. A. Rutherford.*" Upon receiving that statement, I strongly cautioned the removing officer never to do anything of the kind again; but even when the parties wished to be taken to any other port than that named in the warrant, not to do so.

80. Do you remember some answers given before this Committee by a gentleman of the name of Cusack, the chairman of the North Dublin Union, in answer to questions beginning with 1891; do you remember this portion of the evidence: "*Chairman.*] In each of these cases, the parties stated to you that there had been no magistrate's order? This is the information which I have got to-day; they stated it to the master of the workhouse.—You mean that there has been in each of these cases a positive statement that there was no magistrate's order? Yes; a positive statement within the last two days.—In the case of Michael Benson, Vail-court, Park-street, Birmingham, he was sent over, not having been sworn; have you the date of that removal? No.—When did that case come into your house? I should think most of them have come in within the last year.—And that would be a removal by the authorities of Birmingham, I suppose? Sent over by the authorities of Birmingham; we get a great many from Birmingham." Allow me to ask whether you know of any practice at Birmingham of sending over persons without being sworn or examined?—Certainly not; nothing of the kind has occurred. I have been very particular in making inquiries into this matter, because I thought it a very serious charge indeed against Birmingham; and one which, if true, would have been a very important matter. I have got reports from all the officers who have been engaged in the removal of the Irish poor for some years, which, with the permission of the Committee, I will read. The first is from Henry Gibbs, who was occasionally employed formerly in removing Irish poor. It is dated "Birmingham, June 6th, 1854." He says: "Sir,—In reply to your inquiries respecting the removal of the Irish poor, I beg to state, that during the time I was engaged as relieving officer, namely, from 1841 to 1853, inclusive, and also while engaged in 1847 as removing officer for the Irish poor, I never knew but of two cases that were removed without the magistrate's orders being first obtained. The first case was a man who had left his wife and family chargeable, and the wife would give no information relative to her husband, who she stated had left the town. She was sworn; and on the morning when she was being removed, the husband came to claim his wife, stating he had never been out of the town; and the then clerk, to whom the case was referred, ordered that the

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man should be sent with the family, they being chargeable, and he being the head of the family, became chargeable with them." That was clearly wrong; I should not have done so. "The other case was that of a female, who was admitted in the evening; and on the following morning the Irish paupers under orders were to be sent off, when she applied to be allowed to go with them: she was very anxious to go to Ireland. The then clerk said, it being her own wish, he saw no impropriety in my taking her with the others, and I did so. I can with confidence state that I never knew of any other case being sent without a magistrate's order." (Signed) "*Henry Gibbs.*" The officer who succeeded him was James Edmonds: his statement is dated "June 7th, 1854." He says: "Sir,—I commenced removing Irish paupers upon January 19th, 1850, and I continued removing them up to January 24th, 1853, during which time, I beg to state that in no one instance have I ever taken a pauper without an order of removal. I had always with me two copies; one I delivered to the captain of the ship I sent them in; the other copy I brought back, and delivered it at the parish offices, with my bill of costs. I am, sir, your obedient servant, *James Edmonds.*" The officer who succeeded him is our present officer, John White, and he says: "Sir,—I hereby inform you that I began to remove Irish paupers on the 23d November 1849, and continued to do so up to 28th September 1850; I removed no more until the 1st July 1853" (Edmonds took his place during that interregnum), "and from that date I have done it up to the present time; and I beg to state that in no instance have I ever taken a pauper without an order (some such orders have been obtained by the relieving officers being sworn, the paupers themselves having refused); I can prove, if required, the dates of removal, the names of the vessels, and of the captains to whom those orders have been delivered. I am, sir, your obedient servant, *John White.*" I have inquired very carefully into this matter, and I am quite satisfied that, during the whole period, now nearly six years, that I have been acting as clerk to the Board of Guardians of Birmingham, no such removal has taken place, except in one instance, in which the uncle of some poor orphan children wrote from Ireland to our Board of Guardians, stating that, although he had children of his own, if the guardians would send the children of his late brother over to him, they should share his means with his own children; we wrote into the neighbourhood to know whether he was a respectable man, and a proper person to be entrusted with these children; we received a reply to the effect that he was. The Board of Guardians thereupon consented that these poor children should be taken to their uncle, but we took the precaution of sending a clerk with them out of my office, who happened to be a native of Ireland, all the way across the channel; he took them home to their uncle, and ascertained that he was quite willing to receive them; in fact, he was overjoyed to do so. That is the only case which I have known; that was done at the particular request of this man, who appeared extremely kind to these children.

81. Have you any other fact which you wish to lay before this Committee as connected with the subject of our inquiry?—No, I do not remember that I have.

82. You may remember that one part of the duty of this Committee is to consider what improvements can be made in the existing law; you have expressed an opinion that we cannot safely do away with the law of removal altogether; is there any improvement in it which you think practicable, so as to make it operate less harshly?—I think, perhaps, the period of industrial residence, as it is called, might be reduced to three years.

83. Being now five?—Being now five.

84. With regard to that, was there a time when in Birmingham a different construction was put upon the Act as to an Irishman being entitled to the benefit of it?—Prior to my going to Birmingham the contrary practice was observed; it was considered by Mr. Bynner, who had then the management of the removals, and acted upon by the magistrates' clerks, that the Removal Act, the 9 & 10 Vict. c. 66, did not apply to Irish cases; my own opinion clearly was that it did, and I declined to sanction any removals to Ireland where it was shown that the parties had been residing five years in Birmingham; the consequence of which was, certainly, that removals to Ireland very much diminished from that time. I know that there was a difference of opinion upon the subject, and I think that some Honourable Member of the House gave notice for leave to bring in a Bill to extend the Act to Ireland; and that the then Secretary of State for the Home Department,

Department, I think Sir James Graham, said it was quite unnecessary to introduce such a measure; that it was quite clear that the Act did include Irish paupers.

85. So you have always advised at Birmingham, and that has been the construction acted upon ever since you came into office?—It has.

86. How long do you say you have been there?—Six years, in June next.

87. And you think that this period of five years might be reduced to three years, so that an industrial residence of three years should render a person irremovable, instead of one of five years being necessary as at present?—I do; but I think that then it ought to extend to the English poor also.

88. I believe, in the Schedule to the 8 & 9 Vict. c. 117, which is the Act for the removal of Irish paupers, there is a form of examination given?—There is.

89. In your opinion, is that capable of any improvement?—I think it is. I think that the examination of parties ought to be taken in writing, the same as is the case in English removals, and it would give the parties sought to be removed a better opportunity of stating any special circumstances which they wished to bring before the magistrates; for, although in Birmingham now, we are very particular in making these removals, I am afraid that, in many places, this printed form of examination, to which probably the pauper merely places his or her mark (for very few of them can write), is taken too much as a matter of form, it is handed in to the magistrates, and no questions are asked.

90. You think there would always be that risk, so long as you had this settled form of examination?—I think so; for instance, in the case alluded to, of Cusack, it is just possible, unless I put the question, which I always make a point of doing, whether she had resided five years in Birmingham or not, that when she appeared at the public office, no such question would be put; she would be merely asked, "Is this your name and handwriting?" or, "Is this your mark, and are the contents of this examination true?" They say, almost as a matter of course, that they are true.

91. You are of opinion that an alteration ought to be made in that respect?—I am.

92. Mr. *G. A. Hamilton.*] Do you think it desirable that it should appear upon the examination, that the party had not become irremovable?—In English removals that has been held not to be essential; it is not requisite to negative that fact, but still, I think, it might be desirable in these cases that it should be so.

93. *Chairman.*] Have you any other suggestion to make with regard to an improvement of the law?—I think that where husbands desert their families, the wives and children should be removable to Ireland, if removals to Ireland continue.

94. In fact, that the doubt thrown out by Mr. Justice Coleridge in the case of All Saints, Derby, should be removed?—Yes; otherwise they are placed in a better position than the English poor. An English woman, if her husband deserts her, becomes removable either to the place of his settlement, if it can be discovered, or, if not, to the place of her maiden settlement, and that is often done; but, according to the *obiter dictum* of Mr. Justice Coleridge, that would not be so in the case of an Irishman. If an Irishman left his family, and went away even two months, she would not be removable unless he was present to be sworn as to the place of his birth.

95. Then you would suggest that although the husband might not be forthcoming before the magistrate, there should nevertheless be a power of removing the family?—Unless it was a *bonâ fide* going away in search of work, with what the law calls an *animus revertendi*, an intention to return.

96. But that the mere fact of the absence of the husband should not be conclusive against the removal of the family?—No.

97. Have you any other suggestion to make?—I think not.

98. Mr. *Ingham.*] Have you anything to state with respect to the limits between which residence must take place in order to entitle persons to irremovability?—It would be very difficult in the parish of Birmingham to extend the limit, because we are, as it were, a union by ourselves. We are surrounded by the Aston Union, and other unions; I do not see how we could extend the area.

99. Is all Birmingham one parish?—It is.

100. *Chairman.*] Birmingham is a single parish under a Board of Guardians?—It is.

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101. Sir *Robert Ferguson.*] Do you remember the extent of Birmingham?—I do not remember the extent of the area; the present population is about 190,000; according to the last census it was 173,951; but we increase so rapidly that by this time the estimated population is 190,000.

102. Do you remember the valuation?—The total amount of the rateable value exceeds 500,000*l.*

103. Mr. *G. A. Hamilton.*] Having had experience elsewhere, do you think it would be desirable that the limits of industrial residence should be extended to the union rather than confined to the parish, putting aside the particular case of Birmingham?—I think that if any alteration is made in the law in that respect, so that the time is reduced from five years to three, it should be general.

104. Do you think it desirable that the law should be altered, not only with reference to the period of residence, but also with reference to the limits of residence, by extending them to the union, instead of confining them to the parish?—I think in unions it might be so.

105. You drew a distinction in the early part of your evidence between the Irish and the English applicants for relief from the 27th of January to the 3d of March; you stated that 12,554 Irish had applied for relief, and 1,904 English. Can you state how many of those, of whom you speak as Irish, had come recently from Ireland, or had acquired an industrial residence in England?—I believe many of them had resided for years in Birmingham, but the cases were so numerous that it was impossible to go into them as regards their liability to be removed.

106. Then your distinction is drawn entirely with reference to the place of their birth, and without reference to the circumstance of their having obtained, or not having obtained, an industrial residence?—It was impossible for us to ascertain whether they had acquired the privilege of irremovability or not; such a scene probably was never witnessed before in Birmingham; we had crowds till 12 o'clock at night, and sometimes till one o'clock in the morning. The officers and many of the guardians have been engaged till nearly one o'clock in the morning taking these cases; barriers had to be erected outside to prevent the enormous pressure of the crowd; in fact, I never saw such a number of cases before, and hope I never shall do so again.

107. Are there many Irish labourers generally resident in Birmingham?—The late influx of pauperism has shown that there are a great many Irish labourers resident in Birmingham.

108. Then may it not have happened that in the majority at least of those cases the parties who applied for relief were, in point of fact, permanent residents in Birmingham?—I would not say the majority; I think a very large number of them.

109. You have no means of saying that the majority, or even more than the majority, were not of that description?—The cases were so numerous, and the pressure was so great, that it was impossible to go into them individually; a very large staff of supernumerary officers was engaged, consisting of nearly 30; still it was impossible to go into these cases individually as regards their liability to be removed.

110. Have you any means of knowing that in any of those cases the parties had come recently from Ireland?—I have not; I have no knowledge either one way or the other.

111. Was not that pressure upon the Birmingham Union arising out of the very inclement weather which existed at that time?—I have no doubt it was; but I believe also, that vast numbers took advantage of that state of things to apply for relief who really did not need it.

112. Does it appear to you that that statement which you have made, as to a very large number of Irish having applied for relief under the circumstances which you have stated, bears materially upon the question before this Committee of the Law of Removal?—I think it shows this, that if the power to remove were abolished, we should be much more subject to these influxes of Irish pauperism.

113. No removals, I think you stated, actually took place at that period?—No; it would not have been practicable to have made them.

114. And during the last few years the number of removals from Birmingham have not exceeded 25 or 26 on an average?—They have not.

115. I think

115. I think you stated also, that as far as your experience of Irish applicants goes, you consider the workhouse test a very stringent one?—I do.

116. You are aware that the workhouse test is a test of destitution under the law in Ireland?—Yes; I am aware that no out-relief is given in Ireland. I beg to state, that we have no labour test in Birmingham at present, and I do not think even that could have been applied during the late state of things.

117. Mr. *Maguire.*] Have you any information to give the Committee as to the proximate number of Irish in Birmingham?—I have not; I have been endeavouring to ascertain what the total amount of the Irish population in Birmingham is, but I have not succeeded.

118. Can you give the Committee any idea as to the number, without being very accurate?—I am afraid not; I am afraid I should mislead the Committee if I were to attempt it.

119. Are there 20,000, 30,000, or what number would you mention?—I should think there were quite 20,000.

120. Can you give the Committee an idea how the Irish generally employ themselves?—Very few of them are artisans; I believe they are generally employed as hard-working labourers.

121. Was not the work in which that class of people are employed suspended in Birmingham for, say, a month?—Six weeks, entirely so; and to that alone I attribute that great influx of pauperism.

122. If you say that there are 20,000 persons who are mainly employed in that rough labour——?—I did not say in rough labour; I said, that the population might be 20,000.

123. The great majority of the Irish are employed in this rough labour?—I think they are.

124. Is it at all to be wondered at, that when the work of that class was suspended by the severity of the weather, you should have such a demand upon your charity as there was at that time?—I do not know that it is; I am afraid that in many cases there was great want of providence; but that will apply also to the English poor as well as the Irish; I think many of them who had been in the receipt of good earnings, the heads of families, with their families, receiving two or three pounds a week up to the time of the frost setting in and labour ceasing, became all at once destitute.

125. Would a suspension of work for six weeks be a very severe drain upon the resources of a humble family?—It would; but then they became chargeable immediately, probably within a week after the frost set in.

126. Did they all become chargeable then?—Not all of them.

127. What was the number, the first week, who sought relief?—Probably the number who sought for relief were then about 1,500.

128. How many would you say in the second week?—I am not able to furnish the number weekly.

129. Would you say that 1,500 was a very large number for the first week, inasmuch as there was no work for that class of people?—No.

130. As the severity of the weather increased, and as the length of time during which this work was suspended was also increased, the numbers increased?—Yes.

131. There is nothing very astonishing in that, is there?—No; I have not said so. I have not imputed the slightest blame to these poor people; I am sure I have done, by other means, all I could do to relieve them. A very large fund was raised in the town for the purpose.

132. There was the same pressure in London, I believe?—I believe there was.

133. You have heard of it?—I have; and at Liverpool.

134. And large sums have been contributed by corporations and other public bodies to relieve the distress of the labouring classes in London as well as in Liverpool?—Yes.

135. You spoke about desertion; what do you consider the desertion of the wife and family by the husband and father?—If a man goes away in search of work, intending to return, or communicates with his wife while away, if he is able to do so, I should not call it a desertion.

136. In the case of Mary Kiley, are you aware whether her husband deserted her, in the legal sense of the word, or went with a desire of returning?—I am not.

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137. But the moment that she applied for relief she received relief, and was sent back to Ireland?—Not the moment.

138. After a short time; almost immediately?—They generally remain in the house some days, and after the order is made, they remain in the house some days, and have an opportunity of leaving, if they please; we never insist upon enforcing the order.

139. Were you clerk of the guardians at that time?—I was.

140. Did you satisfy yourself, or did any other person, as to the fact whether that woman's husband had gone for work or not?—I think, if she had stated that fact, we should not have made the removal. I may mention a circumstance, which I have not mentioned, because I think it may have been a mistake: in looking at the workhouse-master's books, I find that she was admitted as a single woman, and the child is described as illegitimate; but that is at variance with the relieving officer's order, and I am not prepared to say that it was so. I did not mention that fact before, for I did not wish to prejudice the poor woman's case.

141. Have you any doubt that the woman was married?—I have no belief either one way or the other.

142. As you were so very scrupulous about removals, was not it rather an important matter to ascertain whether that woman's husband had really deserted her, or had gone for work?—It was. You will bear in mind that that was some years ago, in the year 1851. Perhaps at that time we had not become quite so careful as we have been since.

143. How long has the Irremovable Act been the law of the land?—It came into operation in the year 1846.

144. Then it was three years in operation before the time when you became clerk of the Birmingham Union?—It was.

145. You stated, that removals were very much diminished after you became an officer of the Board?—Yes.

146. Do you wish the Committee to infer from that, that there had been a great number of illegal removals before then?—I think a good many had been removed to Ireland who had resided five years in Birmingham, and who, therefore, were not liable to be removed. But the Committee will be pleased to bear in mind, that the general impression then was, that such parties were liable to be removed, and it was generally acted upon.

147. What do you mean by the "general impression"?—Throughout England. I know it was so in the metropolis.

148. Are you satisfied that you are justified in stating, that the impression was general?—I think there was a very general impression that that Act was not intended to apply to Ireland, and there are parties now, who still take that view of the law of the case.

149. Do they act on it?—No, I should hope not.

150. Why not?—I should apprehend that magistrates would not act upon that view of the case, although lawyers and parochial officers and others still entertain that view.

151. Have you read the words of the Act?—Yes.

152. Do not you think they are very simple and clear?—They are quite clear to my mind; I never had a doubt.

153. You said that the population of Birmingham at the present moment is 190,000?—The estimated population.

154. And that the valuation is about 500,000 *l.*?—Yes; 540,509 *l.* 10 *s.*

155. What was the poor-rate there last year?—We had two 2 *s.* rates in the course of the year, and they would produce about 84,000 *l.*; we had a third rate made at the latter end of the year, but the collection of it was not commenced until the very termination of the year, and, therefore, perhaps it is not fair to include it in that year's levies.

156. You said that it would be dangerous to repeal the law, and you said that there is benefit in it now, inasmuch as it tends to check and discourage applications?—I think so, certainly.

157. If it tend to check and discourage applications, may it not also be the means of inflicting very great misery on individuals?—I have stated so in my evidence, that I have known many cases of great hardship.

158. I am now not speaking of removal, but I am speaking of the power of removal; you say that it tends to check and discourage applications. If it tend to

to discourage applications, must it not prevent a great many persons who really are in distress from applying, because of the dread which they would entertain of being sent to Ireland?—I think that is a very natural inference.

159. Do not you think it practically borne out?—I do not know of any cases myself, but I think it probable that persons are deterred from applying for relief, because they know that the consequence will be, that they will be removed to Ireland, and they may submit to considerable privation, rather than make the application.

160. Do you think that that is a good result to be produced by a law in a Christian country?—No; I think no person in a Christian country should be obliged to submit to privation.

161. But under the operation of this law, and influenced by the dread of removal, no doubt those privations are endured?—They may be; the workhouse is always open to them; but then the consequence would be that they would be liable to be removed to Ireland.

162. As to the workhouse, can you give the Committee any idea of your scale of dietary?—Our dietary we consider rather a liberal one; it is one of the six dietaries issued by the Poor Law Board, with some alterations under their sanction, which make it rather better.

163. Do you give meat?—Yes; three days a week.

164. And altogether it is a liberal dietary?—It is.

165. Did you not say that the Irish were rather unwilling to go into your workhouse?—They have a great aversion to going in. I think I can account for that on some grounds; I think that it is not because they would not be satisfied with the treatment, but I think they have an objection to submitting to the discipline and the regulations of a large establishment like a workhouse. As regards attending their own Church, we afford them every facility for that purpose, and we allow one of their own priests to attend whenever he thinks proper.

166. Is your discipline very severe?—No, it is not.

167. Your treatment is mild; your discipline not severe, and every consideration is given to their religious feelings?—Every consideration.

168. Still they have a great aversion to going into the house?—They have.

169. That you are sure of?—That I am sure of, excepting, I think, married women whose husbands are absent from them; they frequently go in to be confined, and afterwards they rejoin their husbands.

170. And is it true that all these advantages are not sufficient to induce the Irish people to remain in the workhouse?—No; I think the Irish generally are fond of liberty.

171. And they have an aversion to restraint?—I think so.

172. The pressure upon the union ceased, I believe, the moment the thaw came?—The great bulk of applications disappeared; a few remained, and they were got rid of, as I said before, by the house being offered to them; yesterday (it may have disappeared now) it was as bad as ever.

173. Was the terror of the house quite sufficient to deter them from further applications?—It was a test which we applied; it appeared to have the effect, I think.

174. It was successfully applied?—Yes; but I think that any person, rather than submit to starvation, would go into the workhouse, of course, under any circumstances.

175. But next to starvation, as I understand you, unless the Irish were really driven to the severest privations, they would not accept of the workhouse?—The majority of them, I think, would not.

176. They have a general reluctance to submit to the restraint?—Yes.

177. You said that the period of industrial residence ought to be limited to three years, and you added that, of course, it ought also to be applied to the English?—I think it should be uniform.

178. On the same principle of conformity and fairness if the law were totally repealed, so far as concerned the English, would you maintain the law with respect to the Irish?—That is a subject which requires a good deal of grave consideration. Abstractedly considered, I think that removals to Ireland are wrong; but politically considered, I am afraid they are right.

179. What do you mean by "politically considered?"—As a matter of policy; in fact, almost necessity, arising out of the state of things.

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180. What state of things?—The number of Irish who would, I think, fly to this country, and as soon as employment ceased, having made no provision, they would apply to the parish.

181. You say that a number of Irish would fly here; on what calculation do you ground your apprehension?—The vessels from Ireland bring them over at so cheap a rate.

182. To what place?—To Liverpool; sometimes as deck-passengers at 1*s.* or even 6*d.* each; they used to do so at one time.

183. Do they do it now?—I am not aware whether they do or not.

184. Do you know that for the last few years the fare has been 10*s.*?—No.

185. You have no proof that it has been 1*s.* for a very long time?—No; but that state of things may occur again.

186. I supposs you know that the population of Ireland has been very much diminished?—It has in the last five or six years, I believe.

187. That it has diminished nearly to the amount of 3,000,000?—Yes.

188. Then you cannot imagine that there would be any chance of the same rush to this country that took place when there was what was generally considered a superabundant population?—I should think not.

189. If the workhouse test has proved hitherto efficient in protecting you from these flying hordes of Irish, would it not equally do so in future; especially if the circumstances of the Irish were improved in their own country?—In a great measure I should think it would.

190. Would it not act as a more successful test if the condition of the Irish were improved in their own country?—I think it would; the inducement to apply would diminish.

191. Then if you were told that the employment had increased, that the circumstances of the country were becoming better and better every day, that the population had much diminished and was being diminished, would not your apprehensions be very much reduced?—If you could ensure the continuance of that state of things.

192. You spoke of policy; do not you think it would be good policy to put the people of the two countries upon the same footing; to put the people of Ireland upon the same footing as the people of England?—I think the same state of things should apply to both; I have no national antipathy; therefore, in any observation which I make, it is not to be considered of an invidious character; but we do not find the English going over to the Irish ports by hundreds, or even by thousands, and ultimately becoming chargeable there; and yet that state of things unfortunately, as regards the Irish poor, does frequently exist here.

193. Do you imagine, from your knowledge of Birmingham as a manufacturing town, and your knowledge of other manufacturing places, and even of the country around, that you could do without that Irish migration?—No; I think England could not do without the Irish labour.

194. What do you mean then by suggesting anything like misfortune in the fact which exists that numbers of Irish do come over?—Vast numbers come over; for instance, during the harvest they come over here in very large numbers, and, I believe, they earn a good bit of money; and I have heard that they even appoint a treasurer among themselves, into whose hands they entrust their money; and he goes back to Ireland, and they actually apply to parishes and unions for relief to be sent over under the provisions of the Act; I have heard so.

195. You have no personal knowledge of it?—I have not.

196. Would it not be well to confine yourself to evidence which you can give of your own knowledge; I am sure it will have great weight with the Committee; did you ever hear it said, or do you know of your own knowledge, that the manufacturers as well as the agriculturists of England could not do without Irish labour?—I believe there are very few artisans among the Irish, but I believe as labourers they are most useful to England and to the large towns of England, and that we could not do without their labour; I believe they work very hard when they are at work.

197. If the law of removal is done away with between parish and parish in England, can you give me any sound reason why it should not be done away with as between England and Ireland, beyond your mere apprehension of danger?—We have never found the English applying in the large numbers for relief

relief in which the Irish have applied for relief during the late pressure in Birmingham; and it is a very singular fact, that during that pressure, the number of English applications actually diminished, and that we had no artisans; we had none connected with manufacturers, but they were all labourers.

198. The artisans earn more money, and are of a better class generally than labourers, are they not?—Yes.

199. And they are likely to be more provident?—I think they are more provident.

200. You cannot do as you say without the rough labour of the Irish?—Certainly not.

201. Then if you have all the advantage of it, must you not bear some of the incidents consequent upon it?—Yes; I would reduce the industrial residence to three years, and that, I think, would be an inducement to the Irish labourer to remain three years in a town, and acquire that privilege of irremovability as a reward for his labour and industry.

202. Mr. *Archibald Hastie.*] You have stated that the diet in the Birmingham workhouse is one of the most liberal under the Poor-law?—It is a liberal diet.

203. You have also stated that the Irish have a great aversion to going into the workhouse?—They have.

204. Do you treat the English poor and the Irish poor precisely the same?—Precisely the same; there is no distinction.

205. Do you find a great aversion in an English pauper who is reduced in circumstances to going into the workhouse?—Not the same aversion; many English have an aversion to going into the workhouse, but I think not to the same extent.

206. Do you find that the English who go into the workhouse are people in advanced life or in middle age?—All ages.

207. Are the greatest number of advanced age?—The greatest number are generally of advanced age, infirm, and not able-bodied.

208. Are there many able-bodied in the workhouse?—Very few; we have upwards of 1,300 now in the house, which is a very large number, but very few of them are able-bodied.

209. What was the exact condition of those labourers who came in such numbers during the last six weeks to the Birmingham workhouse?—Chiefly what are called Irish labourers, that is, working for builders; bricklayers, plasterers, and that class.

210. Not many engaged in agricultural labour?—No.

211. Is building going on at Birmingham very largely?—It is constantly going on in Birmingham, and its environs.

212. What rate of wages do those labourers make ordinarily in Birmingham?—A bricklayer's labourer will make about 16*s.* a week.

213. Are you aware of the average of the wages received by labourers in Birmingham at any other occupation—in unskilled labour—porter's work of any sort?—Not much more than that; probably 18*s.*

214. Do you find that those Englishmen of that labouring class who earn from 14*s.* to 18*s.* a week, come, upon a sudden emergency or pressure, to the workhouse to ask for relief?—Not to the same extent.

215. They do to some extent?—They do to some extent.

216. But those who do come to some extent are of the most improvident class of Englishmen?—They are.

217. Then, what would you infer from such a number as 12,000 Irish coming in so short a period, although they had been in the receipt of 14*s.* to 18*s.* a week as labourers, as to their habits?—I should infer that they had been extremely improvident.

218. Do you think that that is the general character of the Irish labourers who come into this country?—I am very much afraid it is.

219. Mr. *Maguire.*] Are there many English labourers in Birmingham?—Not who do that rough work which the Irish labourers perform; the English labourers there are chiefly, I should think, porters and messengers.

220. You have comparatively few of them; I now speak of labourers?—I think very few English labourers, compared with the Irish.

221. And yet a number of those have applied for relief?—They have.

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222. Are there many Irish employed in the foundries and other iron establishments in Birmingham?—I am not aware.

223. You said it was impossible to inquire into the individual cases; that the pressure was so urgent, and the number was so great?—Yes, as to their liability to be removed.

224. In fact, as to any circumstances connected with them, you said that it was impossible to inquire into their circumstances in detail?—It was impracticable.

225. Then how can you take upon yourself to say that a very large number took advantage of the pressure to pretend to a necessity which they really had not?—I derive that from information subsequently acquired from visitors who were appointed to go round and visit them. Twenty visitors were employed daily, at a cost of a guinea a week each, to go round and visit them. In many cases, they found that wrong addresses had been given; in other cases, they found that the parties were not what they represented themselves to be.

226. What do you call "many cases;" are there 50?—I believe very many more than that; some hundreds.

227. Were there 200?—I should think there were nearly 400 or 500, from what I heard; from the reports made to me by the officers and by the guardians.

228. That is about 1-20th or 1-30th of the gross number?—I do not think that would be an exaggeration.

229. In all cases of the kind I believe there is a large per-centage of fraud in all communities?—I believe in all cases.

230. And under all circumstances?—I think so.

231. I believe you do not anticipate (I myself do not) the recurrence of such an extraordinary winter as we have had?—We have had nothing of the kind for 20 years.

232. And in the providence of God it may not come for 20 years more?—I hope not.

233. Mr. *Archibald Hastie.*] Have you found the Irish of that class very truthful in their statements when you have questioned them?—I am afraid not.

234. I think you stated that you found a great many who applied during the six weeks that really had money?—Some had money, and many were in employment; I have heard of numerous cases reported to me by the relieving officer, upon whose statements I can rely, of parties who actually left their employment in the evening to come and apply for relief.

235. Then they do not think it any moral degradation to come and apply for relief, although they have sufficient to support themselves?—I think many of them do not; I believe that even during the late state of things there were many honest, industrious Irish who kept themselves away, and did not come near us.

236. But a large proportion of the Irish labourers are not of that class?—I think not.

237. You stated that the industrial residence might be reduced to three years?—I think it might, as a reward for industry.

238. That equally applies to England, and to Ireland, and to Scotland?—Yes.

239. Have you many Scotch?—Very few; we have not made more than two removals during the last five years.

240. Have you any upon the list at all?—No; I generally find the Scotch much more provident than the Irish.

241. Do you recollect the names of those two removals?—I do not; I think one removal was at the party's own request.

242. When you mention industrial residence, what do you understand by an industrial residence; three years without having received parochial relief?—Yes.

243. In so large a parish as yours, with 190,000 inhabitants, would there not be some difficulty in ascertaining whether the party had been three years in an industrial residence without receiving relief?—We should always endeavour to trace it, as we do now, before we make removals in English cases.

244. Do you think there would be no difficulty on that head?—There would always be some difficulty, but I think we could detect imposition by sending to inquire; we should make them give us their names, and the streets where they resided,

resided, and the names of their landlords, and if there was any doubt we should trace them out.

245. You have also stated that the people of England were very much advantaged by the great mass of Irish labourers coming over here?—I think that they confer upon us a certain amount of labour, and I also think, in justice to the Irish, that they perform work which our own labourers would not undertake.

246. Therefore, in that respect, so far as the very coarse hard work and hard labour goes, the Irish labourer is a man who is of vast advantage to the industry of England?—I think he is.

247. Are there many skilled artisans among the Irish?—Very few indeed, very few of them belong to trades; it is mere manual labour.

248. Have you any idea what may be the average ages of the Irish who come here to work?—They come young and very often remain till late in life.

249. Are they in the habit of bringing their wives and families with them?—I do not think they come over as families; I think they very often marry here.

250. Are they improved by marriage here, do you think?—Yes, I think so; I will say this of them; I think that they are, generally speaking, a morally conducted people; and this I should state, that if a single Irishwoman here had the misfortune to become pregnant, she would have a very great reluctance indeed to be sent to Ireland; the disgrace attached to it in Ireland would be so great, that she would have an aversion to appear there.

251. Then it is your opinion, in fact, that it would be very dangerous to do away with the law of industrial residence for at least three years?—I think so.

252. That it would tend to greater improvidence in the class of Irish who sought relief?—I think so; I should be very glad if I could arrive at a different result.

253. In your opinion, it would be better for the industrial Irish, as well as more safe to the English, that the law should require at least three years' industrial residence?—I think so; I think there are many honest hard-working Irish who very much censure the conduct of their improvident countrymen.

254. You stated that the rate was a 2 *s.* rate?—It was a 2 *s.* rate last year.

255. How long is the rate made for?—Six months.

256. Then that is 4 *s.* in the pound per annum?—Yes, that is about our annual levy; out of that we have to pay, I should state, a very large amount to the corporation, in the shape of borough rate, nearly one-half of it.

257. Mr. *Alexander Hastie.*] What does that borough rate apply to?—The same as a county rate in a county, the police and the support of the gaol and the borough lunatic asylum.

258. Then, in fact, your rate is only 2 *s.* for the whole year?—Yes.

259. Mr. *Maguire.*] I asked you that question a while ago, and you said 4 *s.*?—I said 2 *s.* poor rates; but out of that I have just explained to the Honourable Member that we pay the borough rate, amounting to nearly or quite one half of it.

260. Are there any other charges upon that 4 *s.* rate?—Not large in amount; there are the vaccination expenses, and the registration expenses, and so forth, but they are not considerable so as to affect it; but the borough rate is very considerable.

261. How much is the gross sum applied to the relief of the poor?—About half.

262. Mr. *De Vere.*] You say that a great number of Irish labourers have been lately relieved at Birmingham; I think you said about 12,000?—Yes.

263. Did that distress arise from the inclement weather?—I have no doubt of it; I have endeavoured to ascertain the cause, and I believe that to be the cause.

264. Then it is temporary in its nature?—It is.

265. You said that you could not state the absolute number of Irish labourers in Birmingham; can you state the relative number of English and Irish labourers?—I think of those who do the rough work as labourers, the Irish decidedly preponderate in number, but I cannot say in what proportion.

266. You cannot approximate it?—I cannot.

267. Are you of opinion that a temporary relief may prevent the subsequent increase of poverty in the person relieved; for instance, if a person applies for relief and you give him relief, that temporary relief so afforded prevents him

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from becoming very much pauperised afterwards?—In many cases it would; in other cases I am sorry to say it would not; for among the English, as well as the Irish, I am afraid where they have once tasted relief they are too apt to be disposed to apply for it again.

268. But if that relief were sought for under circumstances of peculiar and temporary pressure, would it not be likely that if so afforded it would prevent the increase of pauperism in the party so receiving it?—If promptly given it might.

269. Therefore, temporary relief so given might in many instances enable the party receiving it to recover his industrial position in society?—If so disposed.

270. I think you stated that the fear of being removed prevents many Irish labourers from applying for relief?—That is my opinion, and the opinion of others practically engaged in the administration of the poor laws.

271. And that it prevents them from applying for relief when that relief is actually most necessary for them?—That is an inference.

272. Then does it not follow from these premises, that the fear of removal tends to promote the increase of pauperism?—No, I think it tends rather more to check it than to increase it, because I think it compels parties to rely more upon their own industry and their own resources, and to exert themselves rather than become chargeable to the parish.

273. But it prevents them from applying for relief, when such relief would be beneficially employed in preventing the increase of pauperism?—Yes, to a certain extent.

274. The ultimate increase of pauperism produces increased expense to the town?—That must be the result.

275. And it must also tend to promote crime?—I am afraid pauperism is sometimes productive of crime.

276. Is not crime productive of expense also?—Undoubtedly it is.

277. Then are you of opinion that the fear of removal preventing applications for relief produces not only ultimate pauperism but crime and increased expenditure?—I think, as a general result, it prevents pauperism and lessens expenditure; I believe there are many cases in which parties apply for relief, who, if they were thrown upon their own resources, by a little exertion might recover themselves and be independent of it; and I think it is very desirable they should be so.

278. You say that you found in the case of Birmingham that in a time of great pressure it was impracticable to effect removals?—Quite impossible.

279. What is your opinion as to what would have been the effect upon the labour market if removals to that amount had taken place according to law?—If we had removed from England to Ireland that large amount of labour England must have felt the want of it.

280. I speak not of England, but of Birmingham?—Birmingham must have felt the want of it, undoubtedly, and the consequence must have been certainly, that when the weather altered, and work became abundant, the employers would have been in want of the labour.

281. Then if you had strictly executed the law, so far as removing persons who had applied for relief who were legally removable, you would have produced an injurious effect upon the labour market of Birmingham?—I think we should; but that was an extraordinary state of things.

282. You say that many persons applied fraudulently for relief?—Many.

283. In this particular instance?—Yes, during the late pressure.

284. You have also stated that the Irish generally are rather willing to forego relief than incur the danger of removal?—I think so.

285. How do you reconcile those two statements?—Because it became very generally known that we were not making removals, and not even attempting to make them.

286. Then if it be true that they generally are willing to forego relief rather than incur removal, it cannot be true that they generally apply fraudulently for relief when it is not required?—I did not say that they generally applied fraudulently for relief when it was not required; I said that many cases during the late pressure were cases of imposition.

287. Then the cases of fraudulent application for relief are the exceptional cases?—I think they are.

288. What proportion do they bear to the exceptional and fraudulent cases of English applicants?—I think I should mislead the Committee if I were to attempt

attempt to answer that question. I am not in a state to furnish statistics, or even anything like an approximation, as regards numbers.

289. You suggested a limitation of the period of industrial residence from five years to three?—Yes, I think that would be safe.

290. Upon what grounds do you select a period of three years?—If there is to be a period at all, five years having now been tried for about eight years, I think I would gradually diminish the number of years; I think it would be safer than all at once abolishing removals.

291. Then you have no particular reason for selecting three years?—No.

292. Would two years answer as well?—No; I think it would be too rapidly diminishing the period of probation, if I may use the term.

293. With reference to some cases of particular paupers, which have been referred to in the evidence of last year, you read their examinations as disproving the assertions which had been made?—Yes.

294. Then you attach great credit to those examinations?—I do; I believe them to be true; I would not impose them upon the Committee if I thought otherwise.

295. You have stated to the Committee that with regard to those examinations of paupers, they generally put their signatures to them without examination, and as a matter of course?—I said that I thought that was very generally done, but that it was not so done in Birmingham. I said that in Birmingham we had become very careful in making these removals, and that not only myself, but the magistrates' clerks now gave them an opportunity of stating any objection which they had to being removed to Ireland.

296. But you still persist in saying that, generally speaking, those examinations which are signed by the paupers are mere matters of course, and that the fact of their having signed them is not strong evidence of the truth being contained in those statements?—I have no doubt, as far as the place of birth goes, and the name of the party, that the contents of those examinations are perfectly true; but I think that, as regards the merits of the case, that is to say, the liability of the party to be removed, that is not sufficiently gone into, and that these examinations when handed in are very much treated like an ordinary affidavit in our courts of law, where the party is merely asked if that is his name and handwriting, and if the contents of the affidavit are true.

297. You have also suggested that the area of chargeability might be safely extended from parishes to unions?—I think so; and I think, as regards Birmingham, if it could be extended to the whole borough, it would be very much better. The parish of Birmingham has a Board of Guardians of its own, and under its own government; but of the remainder, a portion of it is in the Aston Union and a part in the King's Norton Union. It would have been very much better if the whole borough could have been formed into one union, and then the area of chargeability might have been extended.

298. Are you aware that in consequence of the very limited area of chargeability, in many cases where the boundaries of the parishes are very much interlaced, poor people lose their claim to irremovability without being at all aware of it?—Yes, I am aware of that, and I know that that often occurs in the borough of Birmingham, where parties move out of Aston into Birmingham, and out of Birmingham into Aston, not being aware that they are two parishes, because they form one town.

299. Could you suggest to the Committee any mode by which poor persons, coming into a union strangers, would be put upon their guard?—No, nor do I know why they should be.

300. You would not think it for the interest of the unions that they should be so advised?—No, and I think not for the individuals themselves; I do not think that they themselves are desirous of residing in any particular spot, with the view of acquiring this privilege of irremovability; I do not think that they consider it at all.

301. Then you do not think that they have any wish to acquire an irremovability in the union?—I do not think they consider the subject at all; I think that it is very desirable they should acquire it, and that probably by-and-bye it will be better understood, if the law of removal continues.

302. Mr. *Ingham*.] Is it not the case at Manchester that they put up the wards, as well as the names of the streets, at the end of every street?—I am not aware; that is not so in Birmingham, and I did not know that it was so in Manchester.

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We have nine wards in the parish of Birmingham; that would not affect the question.

303. You do not put up the name of the ward together with that of the street?—Only the names of the streets. We show the boundaries of the parish, certainly, but these poor people would not probably notice them.

304. But as soon as they found that they had a direct interest in not unawares losing their title to continuous residence, they would take notice of what parish a particular street was in. There would be no difficulty in affixing at the end of the street the name of the parish as well as of the street?—I do not think they give the subject consideration; besides which, with regard to English removals, they appear in a great measure to be dying out, the number of removals is now so extremely few.

305. I think you said that during the late great pressure the number of English applications fell off; can you at all account for that?—No, I cannot account for it, unless really there was an indisposition on the part of the English to incur the very great inconvenience resulting from the enormous pressure, and mingling with these large crowds of persons. We were obliged to have the police there nearly all night, and barriers erected; in fact, I never saw any scene to approach it.

306. Sir *R. Ferguson.*] Did you not state that there had been also large subscriptions in Birmingham?—Unquestionably. We raised 1,500*l.* in one week towards relieving the poor.

307–8. Might not that diminish the number of English applications very much, as they would be better known to the inhabitants of Birmingham than the lower order of Irish?—This fund was not raised until the pressure had existed at least a month.

309. You stated that you thought it might be desirable to increase the area of irremovability by including all parts of the borough?—Yes, I think it might. If the area should be extended I think that would be a very convenient extension of it.

310. What should you say to the increasing it generally; to allowing the pauper the power of proving that he had been in any part of England industrially employed during the period which might be fixed for irremovability?—I think that would be inconvenient in its operation. For instance, supposing an Irish labourer came to London, and resided here for four years and nine months, and then his work called him to Birmingham, and he resided there three months, and thereby acquired the privilege of irremovability, and a week or two afterwards, through any unforeseen circumstance, he became chargeable, it would be very hard upon Birmingham to have to maintain this man, having had only three months of his labour, while some London parish had had four years and nine months of it.

311. Might not there be the same system of account between the London and the Birmingham union established as there is now between parishes in England, in the case of English poor, if that is the only objection which you see to it?—I should be very sorry to see that system of relieving the non-settled and the non-resident poor re-established. I believe that it was productive of very great mischief, and led to very undesirable results.

312. The question of hardship, as you put it regarding Birmingham with respect to the three months, is rather increased, if you suppose that a person, instead of being absent from London for three months, has been absent from Ireland for 30 years, and yet is sent back to be relieved there?—Yes; it may appear hard upon Ireland, after England has had 30 years of the labour of one of its natives, that that native should be sent to them to be maintained; but it seems to arise out of the state of things, with these countless numbers at times immigrating to England, and ultimately becoming chargeable. As I said in my evidence before, there are cases, no doubt, of extreme hardship; but the magistrates have now a discretionary power; and I am quite sure that in such a case as has just been put to me, our magistrates would not make an order for the removal.

313. Mr. *L. King.*] I did not quite understand you to say what was the total cost of the removals in 1847?—The cost was 222 *l.* 6 *s.*

314. And what was the total relief to Irish in that year?—I have not that.

315. Can you give it for 1854?—I gave the total for the Irish relieved out of the house during the year ended Michaelmas 1854. I wish to place before the Committee a return showing the cost of irremovable poor during the years ending

ending Lady-day 1851, Lady-day 1852, Lady-day 1853, and Lady-day 1854, by which the Committee will see that the cost has gradually increased. Of course the irremovable poor must increase every year since the Act came into operation; and this includes Irish poor. My reason for producing this to the Committee is, because I think the inference is quite clear, if the irremovable poor, as the law now stands, cost us as much as this return will show they do, that if removals to Ireland were entirely abolished the amount would very considerably increase. For the year ending Lady-day 1851 the cost was 3,656 *l.* 8 *s.* 10¾ *d.*

316. Mr. *G. A. Hamilton.*] Is that for irremovable poor, English, Scotch, and Irish?—Yes.

317. Have you any means of distinguishing between the cost of maintaining the irremovable Irish poor and the Scotch?—No; not of separating them. In the year ending Lady-day 1852 the amount was 3,599 *l.* 16*s.* 3¼ *d.*; in the year ending Lady-day 1853, 4,056 *l.* 6 *s.* 3 *d.*; and for the year ending Lady-day 1854, 6,237 *l.* 5 *s.* 8 *d.*

318. Mr. *A. Hastie.*] The same law as to irremovability applies equally to Ireland and Scotland as to England?—It does. I stated that during the late pressure the number of English applications had diminished rather than increased. And there is another fact which I hardly know how to account for, which perhaps the Committee might like to know, that during the same period the number of tramps considerably diminished also; that is, vagrants admitted nightly to the workhouse.

319. *Chairman.*] That you have the same difficulty in explaining?—I have.

320. Mr. *A. Hastie.*] What countrymen are those tramps generally?—Not very many of them, I think, are Irish; I think the majority of them are young men travelling about the country for the professed purpose of searching for work; but I am afraid many of them are not of very good character.

321. If that class of people are in the habit of taking advantage of the workhouse who are seeking for work, the hard frost would naturally indicate to them that it was of no use then to go and seek for work, because they could not get it; the diminution in the number of these tramps might arise from that impression prevailing among them?—No; I think the trampers are very fond of wandering about the country, and I think, during the severe weather, they were reluctant to do so.

322. Mr. *De Vere.*] You think that it is desirable to extend the removal principle by proceeding to remove deserted families where you have not the power of getting the head of the family?—I think that is desirable, because with the English poor the law is so.

323. That would be a still further extension of the law of Irish removals as it exists at present?—Yes, according to Mr. Justice Coleridge's opinion of the operation of that Act.

324. How do you propose to ascertain whether it is a case of desertion, or whether the husband is absent looking for work?—I would leave it to the removing magistrates to form their own opinion, after hearing the evidence.

325. Do you propose to draw up any form of examination for the purpose of ascertaining that point?—No; I would have the parties examined *vivâ voce* before the magistrates on oath.

326. You have no scheme to suggest to the Committee whereby that fact would be more justly arrived at?—No, I think not. Of course, we should make our own inquiries; but the party would be examined on oath before the magistrates, and I think that the truth would probably be elicited in the majority of cases.

327. Is it not probable that in a great many cases individual cruelty and hardship might arise from that?—No, I think not; I think the magistrates are so indisposed to make orders of removal to Ireland, that if they were at all satisfied that the husband had gone away intending to return, they would not make the order.

328. Does not it very often happen that the wife herself cannot say whether the husband has really deserted her, or is looking for work for her benefit and the benefit of his family?—No; I think the wife ought to know.

329. Are you aware that in many cases, which were supposed to have been

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cases of desertion, in Ireland, where the head of the family had gone to America, it was afterwards ascertained that he had gone, not for the purpose of deserting his family, but of serving them, and that he sent over large sums of money for their use?—No; was not aware of that.

Joseph Ellison, Esq., called in, and Examined.

J. Ellison, Esq.

330. *Chairman.*] WHERE do you reside?—In the township of Gomersal, in the Dewsbury Union.

331. In the West Riding of Yorkshire?—Yes; and perhaps I had better state that the Dewsbury Union is situated in the very centre of the manufacturing district of the West Riding.

332. Have you paid much attention to the administration of the laws for the relief of the poor?—I have; I was elected a member of the select vestry of the township where I have lived all my life, 30 years ago. I continued to act as such till that system was superseded by the introduction of the existing poor-law; I was then elected a poor-law guardian, and I continued to act till, perhaps, four or five years ago, when I thought I had arrived at that time of life, and had seen such an amount of service, that I was quite entitled to retire from active participation in parochial affairs.

333. Probably you have not lost sight of the subject, however, since that time?—No; I feel very much interested in parochial matters, from old habits and association.

334. Is the part of the country in which you reside a part in which many Irish live?—Latterly a colony has sprung up at Birstal, consisting, perhaps, of 1,000; and previously to that, perhaps 20 years ago, a colony sprung up in Batley parish, in the same union. Batley is the very heart of the shoddy trade.

335. What trade is that?—Shoddy is wool manufactured out of old woollen rags, ground over again and made into wool, and manufactured into almost every description of cloth mixed with wool, into trousery and waistcoating, and in fact nearly every kind of cloth. With respect to the colony in Birstal, I think about two years ago I requested the assistant overseer to take a census of them, for no one could tell the number. Some said, "We have 500;" some said, "We have not so many;" others said, "We have more." He went round and enumerated the Irish, and he discovered that we had about 650. You may say one-half of those were permanent residents, and the other half a sort of floating population that came and went away, moving about. We found in some cottages as many as 30 people residing in the same cottage, the cottage consisting only of a low room and a chamber above; and we found them altogether in a very different state from what English labourers are in that part of the country. About three years ago the London and North Western Railway Company made a short branch line of railway from Batley to Birstal, not more than perhaps a couple of miles; they would not have made this branch, but they were compelled to make it, and the contractor who contracted to make the railway brought Irish labourers entirely. The Irish and the English do not work very cordially together, so he brought altogether an Irish gang of labourers; and instead of erecting huts for these men to reside in, which, I believe, is usual, he found a number of cottage houses in Birstal empty, which the owners were about to pull down and rebuild; and he took those cottages, and put them in a temporary state of repair, and placed the Irish in those cottages; that was the first time that we had any considerable number of Irish settled in the township where I reside. After the railway was completed, and the owners of the cottages, and the inhabitants too, supposed the Irish would go away, they discovered that they were not willing to go away; they said that they liked the quarters too well; that they would pay the rent of the cottages, and would try to earn their livelihood by any description of labour which they were capable of doing: that was the commencement.

336. Has your attention been drawn to the subject of the inquiries of this Committee, as to the power of removing the chargeable Irish paupers from this country to Ireland?—Yes.

337. Have you formed an opinion as to how far it would be safe or practicable to abolish that power of removal altogether of the Irish paupers?—I have formed an opinion of what I think would be a very great improvement upon the existing

existing law, and what would be, I think, a very just and equitable settlement of the law.

338. Before we come to your suggestions, are you of opinion that you could altogether do away with the power of removal of the chargeable Irish paupers from England to Ireland?—No.

339. Will you state to the Committee why you think it would not be safe or proper to do away with the power of removal altogether?—I think, if you did away with the power of removal, you would have a vast many more applications for relief than you have now, because the power of removal is the very instrument which prevents a great many parties applying for relief. They know that if they apply for relief, and are at all likely to become permanent paupers, they will be removed out of the country. Knowing this, rather than be removed they do not apply. I think it would be a very great hardship upon the rate-payers if you were to abolish the law of removal altogether, especially in those districts where the Irish are congregated in numbers.

340. Will you state any other reasons which occur to you for thinking that the taking away of the power of removal altogether is inadvisable?—I would not take it away with regard to the English paupers; I think it would be a piece of very bad policy to do so; if you did that you would encourage vagrancy; they would move about from one township to the other, and I consider vagrancy a very great evil, with children especially; it trains them up to every kind of petty thieving, and I think that you ought by all means, as much as you can, to repress vagrancy.

341. Is there any other information which you wish to give us with respect to this subject; I mean as to the facts, before we go to your suggestions?—If the Committee would like to hear what I know about the Irish, I shall be very glad to state it.

342. Be so kind as to give us any information which you conceive to bear upon the subject of our inquiries?—I have no recollection of the Irish coming over here in any considerable numbers, or at any stated period, previous to the termination of the late war; that would be some 40 years ago; but shortly after that, I have a distinct recollection of their coming in considerable numbers, and coming at a certain stated period, for the purpose of inquiring for work in harvesting operations, in haymaking, and, after that had been secured, then in the corn harvest. I should say that they began coming 30 or 35 years ago, in rather considerable numbers; 20 years ago, most certainly, they began to come in large numbers. I remember that, 20 years ago, I, and the Firm to which I then belonged, began to hire them for assisting in the hay harvest, and I continued to do so, so long as I remained in business. I retired from business pursuits in 1845, and, of course, after that I had no occasion for Irish labourers in assisting to get in the harvest; I mean, the hay harvest. I was a millowner and manufacturer, and it is much more convenient to engage the Irish when they come over in haymaking, than to take hands from manufacturing pursuits; because, if you take the hands for haymaking, of course, the machinery stops, and you suffer considerable loss. Therefore it has become, in the part of the country where I reside, and have resided all my life, a regular custom to look after the Irish, (and they come very regularly,) to engage them in haymaking operations; and perhaps one-half the number that come in our union will remain and find employment in harvesting the corn also; with the other half the custom is to pass on eastward and south; I believe they do not very frequently cross the Trent; they then work their way northward, as the corn ripens, and, perhaps, by about the first week in October they will have got to the Tweed; then they pass over to Ireland to dig up the potatoes; and what they do after that I do not know, but I have ascertained, from repeated conversations with them, having employed them so long, that that is the usual practice; that they go south about as far as the Trent, and then that they work north until they get to Scotland, at which boundary they arrive about the 1st of October; then they go to their own country. I have asked them also repeatedly, having employed those men so long, and having had much conversation with them, what they did with their earnings in this country. "Oh," they said, "we pay our rent for the potato ground with the earnings; if we did not come here and work, and earn a certain sum of money, we could not pay our rent." Some of them, of course, assigned other reasons, but I found that to be the principal

reason of all the steady men, and we continued to employ the men, for they came very regularly for a great number of years.

343. You say that you are of opinion that it would not be a safe thing to allow them to be irremovable?—By no means.

344. You have mentioned vagrancy as one evil; is there any other evil which you think would be likely to result, if they knew that they could not be removed, whether they worked or not?—I have stated the very great charge which it would be upon the rate-payers in districts where they are settled down in colonies, and also it certainly would encourage vagrancy; the Irish have a natural propensity to wander about; and I really think if any law were made to compel them to remain stationary longer, it would be doing them a very great kindness, and doing the State a service at the same time.

345. What are the suggestions which you have to make with reference to an improvement of the law?—I would first reduce the period of residence of parties entitled to become irremovable, from five years to three, and I really think that that is as short a period as it could safely be reduced to. At the same time I would extend the area of residence, and I would extend it to the union, instead of the parish. I can give the Committee a very good idea, I think, how that would act, taking our union as a fair sample of the average number of unions in the manufacturing districts. The Dewsbury Union extends over an area of about 60 square miles, which will give you an acreage of about 36,000 acres; we have 11 townships comprised within that union; "Townships or parishes" are the words of the Act. I will take one parish, the parish of Heckmondwike: now this parish contains only 700 acres. A party now to gain irremovability must reside five years within those 700 acres; he cannot go out at all. If you extended it to union residence the same party would have a range over the 36,000 acres, and an area of 60 square miles, instead of little more than one square mile. I can give you a very strong instance of how very unjustly and unfairly the present law acts towards aged and ignorant paupers. An old broken-down collier came to reside in the township of Gomersal about 20 years ago; he came from the township of North Owram, in the Halifax Union; he brought his children with him; they were all then young, and he came for the purpose of obtaining more continuous employment as a working collier. We have a large coalfield in our locality, which was then being opened; he continued to work as a collier till he was completely broken down with age and the description of labour which colliers are subjected to, and he became chargeable to the parish; we relieved him as an out-door pauper; we gave him, I think, 2*s*. a week, and allowed him to do any little kind of jobbing work that he could, to make out a subsistence; his family was then broken up, and he resided with a married daughter. Now the husband of the married daughter last spring removed from the township of Gomersal into the adjoining township, for the sake of being nearer his work; the old man went with them as a matter of course, not being at all aware that by doing so it would disentitle him to relief from the township of Gomersal, and that if he applied for relief in the township of Batley, where he went to, he would be removed to his settlement in the Halifax Union, where he had neither friends nor connexions, having brought all his family with him; and the old man was thrown without relief altogether, for rather than be removed to a place where he had neither friends nor relations, he gave up his relief; and the last time I saw him he was going about the country with a basket, hawking small wares, tape and blacking, and anything of that sort. This man removed quite unwittingly, not being aware that by removing half a mile, it would disentitle him to relief, or render him liable to be removed to a place where he had neither friends nor relatives. Now if the area had been the union this man would have been still entitled to relief, without being removed; a great many such cases have occurred within my knowledge.

346. Those which you have spoken of are all large townships; would not it be greatly aggravated where there are many little parishes together; for instance, 96 parishes in the city of London?—Infinitely.

347. So that if a person goes to the other side of the street it does away with his irremovability?—Yes, it would be very much increased.

348. Therefore, your opinion is, that you ought to advance the limit from the parish to the union?—I think so; it would be a very great boon to the poor; I am sure the English poor would consider it as such; and I should think the

Irish

Irish would consider it as such too. I do not know a greater boon that could be conferred upon them.

349. And you think it might be safely done as regards the fair interests of the English rate-payers?—I think with perfect safety and security; because these parties would always be under the supervision of the union officer; they would be within the union, and they would be perfectly well known. I can see no evil at all arising out of it, but I can see a vast amount of good.

350. And with regard to the period, you think you might safely come down from five years to three years?—Yes, I think we might; I think that would be a very fair and equitable adjustment of the existing law.

351. Taking those two alterations as to the reduction of the time and the extension of the area, do you conceive that that would extend the privilege of irremovability to a very great class who do not now enjoy it?—A very great class indeed; I do not know anything which would give more general satisfaction to the poor than extending the area; but if you will permit me, I will state other things which I would do at the same time.

352. Will you state any other suggestion which you have to make?—If you do that, then I certainly would appoint an officer in every union specially to put in force the vagrant laws; the vagrant laws with us now are a dead letter; people go begging, and a great many Irish children of these colonists who have settled in the union make a regular practice of it, and it is so much trouble to enforce the vagrant laws, that I do not know anybody who will undertake it; so that you may say it is a dead letter altogether. Now if you had an officer whose special duty it was to put the vagrant laws in force when these parties become vagrants, that is to say, regular beggars, they would be of course convicted and committed to prison; that would occasion a break in the residence; when they were released from prison, they would have to commence from that period to gain irremovability *de novo*; that would be a very great check, and a very great hindrance to vagrancy, which I again say I consider a very great evil. I will add that as regards removing the Irish to Ireland or the English from Ireland to England, removing any paupers beyond the sea, I think it would be a very good plan to have an officer appointed at the different ports, which I think are set forth in the Act, where you are to embark those parties, and where they are to disembark. If you sent them to Liverpool, I would deliver them into the charge of this officer, the parishes to bear the expense till you handed them over to this officer; he should see after their passage, he should send a clerk or a person with them to see that they were properly treated on board the vessel; and this party should deliver them over to an officer appointed at the Irish port to which they were to be sent; this officer should take charge of them, and he should pass them on; I believe in Ireland they have no settlements; but he should pass them on to their place of abode, or wherever they were to be sent to, and see that they went there, and not leave them wandering about in Liverpool or Cork or Waterford, or wherever you transport them to; I will begin at Liverpool; I think the cost of that from the port, the conveyance, and also the cost of removing them when they got to Ireland, ought to be borne by the Government; that is to say, paid out of the national taxation of the country, and not paid by a rate upon the parish who sends these parties; I would have the law perfectly similar; I would assimilate the two laws; I would treat the English in exactly the same way as the Irish; I would pass the English from Dublin to Liverpool, and on to their place of settlement.

353. Would you introduce into Ireland a law enabling them to send away any chargeable Englishmen from Ireland to England?—I would assimilate the two laws.

354. And you would assimilate them in that way by introducing that law into Ireland which they have not at present?—Just so; the time has gone by (I am speaking of manufacturing districts) when you can make laws more favourable to the English than to the Irish, relating to the same subject, without occasioning discontent and murmuring; they would cry out, I believe, quite as much with us against the injustice of that as they cry out in Ireland; they cannot think, and they do not believe, that it can be a real *bonâ fide* union unless the laws are equalised and made exactly the same for one party as for the other; that is the general feeling and the general impression.

355. Have you any other suggestion which you wish to make?—As respects the alteration of the law, I think that is the conclusion which I have arrived at,

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after very considerable study of it. Coupling that with my long parochial experience, and with reading the evidence which I have read of parties who have been examined before your Committee, I think it is a great hardship upon parishes, if they are to send paupers to Ireland, that they should have to pay the cost, not only to Liverpool, but the cost of their going over; and you do not absolutely know whether they will get to their destination rapidly or not. When they get to Ireland, as the law is now, as I understand it, they are cast perfectly abroad; they are left, and they have to fight their way where and how they can; I think proper officers ought to be appointed to see that they are conveyed to their proper place of abode, wherever it may be.

356. Do you think it would be a fair and proper thing to give notice to the union in Ireland, to which the justices found that the party belonged, that the removal was about to take place?—Yes; if you could ascertain where they did belong, I think it would be a very proper proceeding.

357. You are aware that, as the law stands, the justices are to send them to the port next to the union where they do belong?—Yes.

358. Then at present the justices enter into the question of where they belong, because they are to ascertain the port next to that place; would you recommend that notice should be given to the union that the order of removal had been made, and was about to be executed?—Certainly.

359. You think there should be a similar notice given to the union in Ireland likely to be affected by the removal as is given in England in the case of a removal from one parish to another?—Just so.

360. And you would assimilate the practice in all respects as far as you could?—Most certainly; I think it a great evil that there should be different laws for the two countries.

361. Is there anything else which you wish to state upon the subject?—I can state the rate of wages which we used to pay the Irish, or anything of that kind, which the Committee wish to know.

362. Anything bearing upon our inquiry which you wish to state we shall be very glad to hear?—We found those men very useful; I had them when they came over, and they came so regularly that we quite depended upon them; and we found them, though not able to do as much as the able-bodied English labourers, exceedingly useful; we gave them less wages, certainly, according to the less quantity of work which they could do; but we paid them as we thought in proportion to the quantity of labour which they were capable or willing to perform.

363. Mr. *Maguire*.] You said that you yourself were averse to the proposition of abolishing the law of removal as between parish and parish in England?—Yes.

364. Under those circumstances, of course, it would not be fair to expect that you should be in favour of having it abolished as far as the Irish were concerned?—No.

365. But if any proposition were carried out for the abolition of the law as between parish and parish in England, and affecting Englishmen, would you not, on the principle of justice, equality and policy, be also in favour of the abolition of the law, so far as the Irish were concerned?—I never should be in favour of the abolition of the removal, either as respects England or Ireland, under any circumstances, because I am sure it would be an evil; it would be unjust.

366. Admitting that you may have such ideas upon the matter, but that the law was carried in spite of your opposition, and that of the persons who thought with you, would you consider that it would be fair to maintain the law as against Ireland, while the law was abolished so far as English parishes and English people were concerned?—No, by no means.

367. You are quite clear about that?—Quite so.

368. You said that the Irish had a natural tendency to rove about?—Yes, I think so.

369. I believe they are naturally averse to restraint and discipline?—They are; I can give an instance of that; in the winter preceding last winter the colliers turned out in our locality for an advance of wages: in fact, they turned out repeatedly; they wanted almost as much for wages as the master got as profit upon the coal. I had a neighbour, a very respectable coalmaster; coal kept advancing; I said, "You must be getting money very fast now; this advance will be equal to 1,000*l.* a year, I am sure;" he said, "It does not matter how the coals advance,

advance, for the men turn out, and they just ask for a proportionate advance in wages; in point of fact, we make nothing, or next to nothing, and we have all this bother and trouble." A firm, Messrs. Ackroyd, my tenants now (they took my premises when I retired), are very large coal proprietors; their men turned out, and they went into the two Irish colonies which we have established in the Dewsbury Union at Birstal, and at Batley; they collected together, perhaps, a couple of hundred Irish, with the intention of putting them in the pits to take the place of the colliers who had turned out. They did so, but they could not keep the men under ground long; they said they did not like it; they did not like to be confined to the lower regions, they would rather see the light of day, and they gave it up. Messrs. Ackroyd discovered that they had more trouble with the Irish, and, in fact, they wanted higher wages too than the English colliers. Mr. Ackroyd told me the other night, "We could do nothing with them; we could not make anything at all of them as working colliers;" he said, "We have a good many of the young ones as hurriers in the pits; but the adults we could make nothing of."

370. Admitting that the Irish have naturally an aversion to the lower regions, have not they also an aversion to such upper regions as are embraced in a workhouse; they do not like the restraint and discipline of a workhouse, I believe, generally?—No, they do not like restraint.

371. They prefer their liberty?—They do, certainly; that is to say, the young and the active; but, as regards the aged, I do not know but that they might think our workhouses a very nice asylum, if they could get into them, and remain in them.

372. I am not speaking of the aged, because they are exceptions to a certain extent; I am speaking of the Irish generally; they do not regard the workhouses in a very favourable light, and are not anxious to get into them?—No; they do not like confinement, and they do not like discipline.

373. Even though, as I suppose, the dietary in your workhouse is very good?—Very good; I have it here, if you would like to have it.

374. You give meat, and generally take care of your paupers, I am sure you do?—Yes. I find that we keep them a vast deal better than they are kept in Ireland, unless it be at Belfast, where they do give them animal food. The system of dietary in Ireland is absolute starvation. In our dietary, the breakfast and the supper are the same. We give the men for breakfast seven ounces of bread and a pint and a half of milk and oatmeal porridge. Now, I can speak from my own experience, that that is a very good and wholesome beverage; a beverage that any person will thrive upon. For supper, we give them seven ounces of bread, and we give them a pint and a half of milk, or milk and oatmeal porridge; they have either milk and the seven ounces of bread with it, or if they like, they have it made into oatmeal porridge. The dinners vary. On Sundays we give the men four ounces of cooked meat, and we give the women four ounces of cooked meat; we give the men three-quarters of a pound of potatoes or other vegetables; we give the women half a pound, a quarter of a pound less than the men.

375. *Chairman.*] I suppose the result is, that the dietary at your workhouse is much superior to what you understand it to be in an Irish workhouse?—Very much. I may say that we give them soup three days a week, but that soup is made, not merely from vegetables, but from shins of beef with the marrow-bones in. I have tasted it repeatedly. I have had many a basin of it, and I am sure it is quite as good soup as they charge me in London 1 *s.* a basin for; I would rather have it than what they call their ox-tail soup in London, a great deal.

376. Mr. *Maguire.*] Thinking that that diet is so desirable, do you think that it offers a sufficient attraction for any considerable number of Irish people to leave their country and come to your parish, for the sole purpose of availing themselves of it; is it probable?—I think it would only be the idle and vagabond class that would take advantage of it; I do not think the industrial class would do it.

377. From your experience generally, the Irish are averse to the restraint and discipline of the workhouse?—We never gave them the chance of getting into our workhouse; we do not admit able-bodied. For the able-bodied we have a test, and a very good test; in one single township, Gomersal, we have 21 miles of highways to repair; any able-bodied man that applies to us we put on the road,

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and he has what he can earn; we give 10 *d.* a ton for dross breaking, and any able-bodied man would break two tons of dross a day.

378. You find that a very good test?—Yes.

379. You allude to the case of the Irish haymakers; are not their numbers considerably diminishing; you have not had so many at a late period as you had, say 10 years ago?—The number has diminished very considerably; I am quite surprised to see how it has fallen off in the last three or four years.

380. It has fallen off up to this moment?—Last year fewer came than I can recollect since they came at all; I met different groups, as I always do, coming over; and I asked them what they thought the amount of the falling-off might be; they stated various amounts, and I said, "What is the reason that there is such a falling-off of the number?" I will just tell you what the different groups told me, if you like.

381. Generally, I suppose, they attributed it to emigration and better employment at home?—They gave three reasons. The very first group I met with, I asked this question, and after I had made them comprehend it, "Well," they said, "Master, it is the fear of the war."—"The fear of the war?" "Yes, sir."—"How do they fear the war?" "They are afraid that if they come into this country they will be sent to the war to fight the Russians." I said, "Who tells them that in their own country; how do they get that idea?" They said, "We do not know." I said, "Do the priests tell them that?"

382. I think we had better confine ourselves to the immediate subject before us?—That is only one cause, and a very absurd one, in my opinion.

383. In answer to the Right honourable Chairman, you acquiesced in the idea, that a notice should be given from the parish, sending to the union in Ireland to which the pauper was to be sent; would not a notice of that kind involve either acquiescence on the part of the union in Ireland or a refusal to receive the pauper; and if it involved a refusal, would not legal contention and all its incidental consequences supervene?—If you could ascertain quite clearly to what union they did belong, I think it would be a very proper thing to send that union notice; as to sending them from England, of course you would not send them unless you were quite satisfied that you were by law entitled to send them.

384. From your own experience, is it not scarcely possible to ascertain from what immediate union or parish a poor Irish person has come?—I think there would be great difficulty.

385. Supposing a parish in London sends a notice to a parish in some distant part of Ireland, that a pauper is about to be sent, and the parish in Ireland says, "the pauper does not belong to us," and the parish here says "he does," is not a lawsuit a necessary consequence, as it would be between parish and parish in England?—Of course if the parishes are not agreed, and the London parish persists, they must fight it out.

386. Inasmuch as we have had no cause of contention of that kind in Ireland hitherto, would you, having so great a sympathy towards the country, wish to force upon it any change in the law which would involve so very unpleasant a consequence as costly litigation?—I think that any change which would involve costly litigation would be a very bad change; we have had too much of it already.

387. You seem to be under the idea, that paupers when they are shipped from this country, to any of the eight ports in Ireland mentioned in the Act, have to fight their way on; are you aware that any pauper from any part of the world who applies to an Irish Union for relief, must by the law of the land receive that relief at once?—Yes, I am aware of that, but I believe that is very seldom acted upon; besides, take Dublin, I think it would be a very great hardship to put them upon Dublin.

388. You say it is seldom acted upon; have you read the evidence in this book which was given before this Committee last year?—I have read part of it.

389. Have you read the evidence of the gentleman who represented the North Dublin Union?—I think not; I read the evidence relating to Liverpool and to Cardiff.

390. Have you read any evidence which gives you the impression, that the present state of the law occasions a very great burthen upon the Port Union, in consequence of the relief demanded and received by those paupers?—Yes; and that

that is the reason why I suggested that there should be an officer employed to convey those paupers to where they belong. *J. Ellison, Esq.*

391. I feel with you that vagrancy is a great moral evil?—Very great indeed. 12 March 1855.

392. Are there not very stringent laws in existence to prevent vagrancy, if they are enforced by the magistrates?—Yes, but they are a dead letter. I will tell you what I must do, if I were to enforce the Vagrant law; and I am sure you will see that one person in a thousand will not enforce the Vagrant law. There comes a sturdy beggar to my house, and I am quite satisfied that he is an impostor, and ought to be punished. I have to go and hunt up the parish constable; that is the only description of civil force which we have. When I get to his house, he has gone to Leeds about his business; the Act is compulsory, and all shirk it who can. Then I have to go half a mile further to seek another. I receive just the same answer; he has gone to Bradford about his business. I go to a third; he is a shoemaker; that man I find at home mending his shoes; he will tell you at once, "I cannot break off my work without being paid for it; and the magistrates allow so little, that I will not go, unless you pay me half-a-crown." You have to fee this man; and what is to become of the sturdy beggar all the time?

393. Is that a description of England, generally?—It is a description of the place where I reside, and of the law. I reside six miles from the place where the magistrates hold their petty sessions. After having at last caught a constable, and taken this man to Dewsbury, there are no sessions held on that day: then we must lock the beggar up till the Friday following, the day on which the petty sessions are held.

394. *Chairman.*] Without going in detail through it, there are great difficulties in the way of bringing the Vagrant law into effect?—The difficulties are so great, that the Vagrant law is quite a dead letter. I am merely showing that no person will undergo all this trouble: he will sooner give something to the sturdy beggar, and order him off.

395. Is there anything you wish to add upon the subject of our inquiries?—No; I do not know that there is anything very important. I have given you my opinion, founded upon my own practical knowledge and experience, of the way in which I would alter the law. I think that there is nothing more.

Jovis, 15° *die Martii*, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. De Vere.
Mr. Ingham.	Lord Naas.
Mr. Dunlop.	Mr. Alexander Hastie.
Sir Robert Ferguson.	Mr. Grogan.
Mr. Maguire.	

THE RIGHT HON. MATTHEW TALBOT BAINES IN THE CHAIR.

Mr. *George Grey*, called in; and Examined.

396. *Chairman.*] I BELIEVE you are Assistant Overseer of the parish of All Saints, at Newcastle-upon-Tyne?—I am. Mr. *G. Grey.*

397. How long have you been in that office?—Fifteen years. 15 March 1855.

398. During that time have you had your attention called constantly to the subject of the Irish poor?—I have. I have had the management of the removal of all the Irish and Scotch poor in the parish.

399. You remember then the former Act being in operation, and you have also had the removal of the poor under the present Act which we are now inquiring into?—I have.

400. I believe there is a difference between the present Act and the former Act as to its being discretionary now with the magistrates to remove, and not absolutely compulsory upon them?—Under the present Act it is not compulsory.

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401. Has that made a material difference with regard to these removals at Newcastle, as far as you have observed?—Not a material difference.

402. Have you known the magistrates act upon that discretion?—I have.

403. So as to decline to send Irish paupers to Ireland in cases where they have thought that that power should not be exercised?—I have known them refuse to do so.

404. What kind of cases are those?—Cases where the persons have resided for a considerable time in the town, but in different parishes.

405. So that those persons would not be protected by the irremovable Act?—No.

406. Which requires five years' residence in the same parish?—In the same parish.

407. The magistrates have exercised this discretion of theirs, and declined to make an order of removal in a case of that description?—They have.

408. Are there other cases in which the parish officers have themselves declined to take chargeable Irish paupers before the magistrates for the purpose of removal?—I have known many instances of that kind; where parties were removable the Board of Guardians have not made an order that they should be removed, in consequence of their having resided a long time in the town, in different parishes.

409. In those cases no application has been made to the magistrates, but the guardians have taken it upon themselves to waive the law?—They have. I have frequently brought these cases under the consideration of the guardians, and I always found them ready to attend to them.

410. Have you a considerable number of Irish poor at Newcastle-upon-Tyne?—They are almost all poor that we have of the Irish.

411. Do you mean the labouring poor, or the mendicant poor, or both classes?—We have them of two different classes; we have one class of Irish poor who are very industrious, who are employed as labourers about manufactories, foundries, glass-houses, and in labour generally; we are not much troubled with them, except under very peculiar circumstances. We have another class of Irish poor who do not seem to settle down to any kind of labour—not fixedly—but who move about from one kind of labour to another. Probably, in the harvest-time, they go away and leave their work, though they may have very good work in the town, and they go to harvest for a short time. Their wives and families, in the meantime, become chargeable; they have no means of subsistence while the men are away, and, generally speaking, we find that the men bring nothing home with them. That is the class of persons with whom we are most troubled. I believe that is a similar class to that with which other unions are troubled; persons who do not settle down to any fixed kind of employment.

412. Have you knowledge enough of neighbouring unions and large towns, such as Sunderland and other places in your neighbourhood, to know whether something like that occurs in those unions?—Precisely similar.

413. You know that that is so?—I do.

414. There are several large unions round you, are there not?—Several in the neighbourhood; and I believe that is the class of persons who generally are troublesome to the union.

415. Just name the unions?—Sunderland, Tynemouth, South Shields, and Gateshead.

416. Mr. *Ingham.*] North and South Shields are distinct unions?—They are distinct unions; the one is described as the South Shields and the other as the Tynemouth Union.

417. *Chairman.*] They are two important unions, I suppose?—Two important unions.

418. What is Newcastle-upon-Tyne; is it a union of itself?—It is, containing four parishes and seven townships.

419. Is it altogether town, or a part of it country?—It extends about two miles into the country; it can scarcely be called country; it is more the suburbs of a large town than a really country district.

420. And there is one board of guardians for that union?—There is.

421. You are assistant overseer of one of the parishes?—I am, of the largest; it constitutes about one-third of the whole union.

422. Do

422. Do the Irish, of whom you have spoken, come to you frequently in a state of destitution?—They do, very frequently.

423. I mean of complete destitution?—Of complete destitution.

424. Do they make their way directly to the relieving officer or to the workhouse?—Directly to the relieving officer, and they are relieved in the vagrant ward of the workhouse.

425. From what part of the country particularly do they come?—They mostly land at Whitehaven; but I think they are just as frequently from the southern and western parts of Ireland as from the north.

426. But most of them come to Whitehaven?—Yes.

427. And then, so far as you have learned, do they come across directly to Newcastle upon-Tyne; is that the usual course?—So far as I have learned, they make their way directly to Newcastle-upon-Tyne, as being a place where others of their countrymen are resident.

428. That is to say, where others are resident?—Yes.

429. Then you have a good number of resident Irish at Newcastle?—We have a great number of resident Irish; some that have been there many years.

430. What is the course in such cases as you have mentioned; do the destitute come immediately to you, or to the workhouse?—They come to the relieving officer, who gives them an order to the vagrant ward of the workhouse, and then, probably, in the course of a week or two, we see them again coming before the relief committees, having taken up their residence probably with other Irish persons in different parts of the town.

431. Then do you apply for orders of removal in any of those cases, or what is your course?—In those cases where the parties seem to have no prospect of being able to maintain themselves in this country, we apply for orders of removal. I have frequently removed persons to Ireland who have been but a very short time in this country.

432. Before you have done that, have you taken the best means you could to satisfy yourself, that they were not likely to maintain themselves by independent labour?—I have. I should never think of removing an Irish person who seemed to have any prospect of being able to maintain himself in this country.

433. Where do you take them to; what port are they sent from?—Whitehaven.

434. Do you go with them to Whitehaven?—Sometimes I do.

435. Some poor-law officer goes?—Yes.

436. With regard to one of these persons who is taken before the magistrates, is there, in the first instance, an order by the Board of Guardians that an application shall be made to the magistrates?—There is; in all cases an order is first made by the Board of Guardians.

437. In any case of a destitute Irishman, the case would be first brought before the Board of Guardians for their judgment, as to whether an application should be made to the magistrates?—Yes; and whatever kind of relief they ordered to them in addition to that, they would say, "and to be removed to Ireland."

438. That is to say, the guardians?—Yes.

439. If they came to the conclusion that it was proper to apply?—Yes.

440. I think you told us, that in many cases the guardians declined to sanction applications to the magistrates when they had reason to believe that people had been a good while in Newcastle, though not in the same parish?—Yes.

441. Do you, or does the relieving officer, make an application to the Board of Guardians on the subject?—The relieving officer upon whose list the application stands would report the circumstances of each case to the guardians, and the guardians would make an order for removal or not, according to these circumstances.

442. Suppose they make an order to apply for a removal, who takes the case then before the magistrates?—One of the assistant overseers.

443. Then the case goes before the magistrates?—Yes.

444. Where is it heard; is it heard in open court?—In open court.

445. Is the pauper present on those occasions?—Always; it is upon the oath of the pauper that the order is granted.

446. In point of fact, is he present, and has he an opportunity of hearing all that passes?—He is present.

 447. Then

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447. Then you say, the magistrates exercise the discretion given them under the Act, removing in some cases, and declining to remove in others?—They do.

448. Supposing they make an order of removal, does the case then come under your charge to remove?—It would come either under mine, or some other of the assistant overseers. All Saints is the largest parish, and the greatest number of the Irish reside in it; most of them come under my charge.

449. Then you would take the pauper with the order of removal, I suppose, to Whitehaven?—To Whitehaven.

450. What do you do there with him?—I take him to the steamer; first I provide a sufficient amount of food to serve the paupers on the passage over; I give it to them when they go on board, and I also give to each of them a sufficient amount of money to provide them a lodging in Belfast, and if the distance is only short that they will have to go, sufficient to enable them to go home without making any application there.

451. What do you do with the warrant?—The warrant is a duplicate one, part goes with them, and the other part I bring back, and hand over to the Board of Guardians with a receipt from the captain.

452. How do you mean that it goes with them; do you give it to the captain of the vessel?—To the captain of the vessel.

453. Is that the uniform course of your procedure?—That is the uniform course.

454. Have you known cases of those paupers who have been so removed returning to Newcastle?—I have known many of them return; some of them in a very short time.

455. In what state do they come back?—Much about the same state that they went away in, quite destitute.

456. Do you mean that they have applied again immediately?—Yes; probably not in the same parish, but in an adjoining one.

457. In Newcastle?—In Newcastle; some of them would not have applied again at all, but I have met them in the street, and seen that they were persons whom I had removed away but a short time before.

458. Have you considered the question as to how far it would be practicable to do away altogether with the power of removing the Irish paupers from this country to Ireland?—I think that it ought not to be done away with altogether; if it were, we should have such an immense influx of poor persons, unable to provide for themselves, that the ratepayers in towns to which they were most likely to come would find the burden more than they could bear.

459. Do you think that you would have others in addition to those who are now there?—I think we should.

460. Why do you suppose so?—At times, when the law of removal has been suffered to a considerable extent to stand in abeyance, we have frequently observed that numbers of Irish persons came over to this country; some of whom stated that they had been sent for by their friends and others, who had no means of providing for themselves, but who seemed to think that as the Irish were not being removed, they might settle down in this country, and have parochial relief.

461. When you speak of the law of removal being in abeyance, do you mean by that that at times it was less strictly acted upon than it was at other times?—Yes.

462. Was there some general understanding that that was so, which you suppose reached the ears of these people?—I think so; generally they have stated that they had been sent for by their friends residing in this country, and were told that they would obtain out-door relief if they came here.

463. You have heard them say that?—I have heard them say that frequently.

464. Have they stated at all how they view out-door relief in comparison with the relief which they get in their own country?—They state that they obtain much more here than they do in their own country.

465. Lord *Naas.*] What do you mean by "much more;" a better quantity of food?—Greater in amount.

466. The dietary is better?—The dietary they state is better in the workhouse, and the amount of out-door relief given is much better here than in Ireland.

467. *Chairman.*] In England there is a pretty good chance of out-door relief, is

is there not; a great many of our paupers, as we all know, are relieved by out-door relief?—A great many; in our union the number relieved in the house is 541, and the number relieved out of the house 6,811; that is the proportion at this time; that is of course beyond the usual proportion in consequence of the recent very severe weather.

468. Have you had that kind of extraordinary increase of pauperism temporarily in Newcastle of which we have heard at Birmingham and some other places?—We have not had it to such an extent as they seem to have had it in some other places.

469. How does it appear to have been caused, by the frost interfering with the river employment?—Yes; interfering with out-door labour.

470. And with all employments connected with the river?—Yes; previously to that the numbers were 518 in the house and 5,648 out of the house, being a difference of more than 1,000 in four or five weeks. In the one instance the total number relieved is 7,352, and in the other it is 6,166.

471. What is the population of the Newcastle Union?—Eighty-seven thousand.

472. What are the classes which you send into the workhouse in Newcastle; do you send the Irish paupers?—There are a great number of old people in the workhouse, a great number of children, a great number of persons who are disabled in some measure, and never a great number of Irish persons.

473. How many will your workhouse hold altogether?—Five hundred is the number that it was built to hold; latterly that number has been exceeded; arrangements are being made at present to enlarge it.

474. Mr. *Grogan.*] What additional accommodation will you have when the arrangements are completed?—I do not know to what extent; the arrangements are not completed yet; there is some difference of opinion as to the extent to which they will be carried.

475. *Chairman.*] You were going on to state reasons which induced you to think that you could not safely do away with the power of removal altogether; will you proceed to any others which occur to you?—I think I stated that in the first place we dreaded a considerable influx of Irish persons who would become paupers; in the next place, there is a large number of persons residing in Newcastle, and, in fact, in other parts of the country, who, though not chargeable at present, would, if they knew that they could not be removed, make application for relief.

476. Why do you say that they would do so?—We have had instances of their doing so; I have known it to be so; there were 30 families ordered to the workhouse in one week, and not more than two of them availed themselves of it; and I believe that the reason why they did not avail themselves of it was, that they would be removed if they went into the house; because we generally made it a practice to remove those who did go into the workhouse, if they were proper cases for removal. We have some Irish persons in the workhouse that have been in many years, whom we do not consider proper cases for removal.

477. Does any other reason occur to you, besides those which you have mentioned, for thinking that you could not do away altogether with the power of removal?—There does not.

478. Have you considered how far it would be practicable to make any improvement in the existing law?—I think it would be an improvement if a residence in any part of the union were substituted for a residence in a particular parish for five years.

479. At present I believe the law is that if a person has had an industrial residence of five years in one and the same parish, he is not removable?—He is irremovable.

480. And you would alter the law, so that if he had had an industrial residence for five years in the same union, he should be irremovable?—Yes.

481. What is your reason for recommending that change?—Because in a town like Newcastle, where there are four parishes and seven townships, a person may have resided there for 20 years in one parish, and by simply moving across the street he may become removable immediately, notwithstanding that long residence.

482. And that you would think a case of great hardship?—That I think a case of hardship.

483. Mr. *Ingham.*] Did you say that there were six country townships in Newcastle?

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Newcastle?—Some of the townships are not country townships; the township of Westgate comes into the town, and so does the township of Byker; those may be said to be large townships, and they lie in the town.

484. *Chairman.*] From your experience as a poor law officer, are you of opinion that, considering the connexion which there is between the different townships or parishes in the same union, there would be no real difficulty in tracing whether a person had had an industrial residence for five years in the same union?—I think not.

485. Townships, or parishes as you have them, are all connected together in the same union, and the officers are in the habit of communicating among themselves, so that you think there would be no practical difficulty on that ground?—I think not; any slight difficulty that might arise I should not think sufficient to stand in the way of a change which would be so beneficial to many industrious poor persons.

486. Do you think that that change which you have now mentioned, would confer an important benefit upon a large class?—I think it would upon a very large class.

487. So much as to place. What do you say about the time, namely, five years; would a less period, do you think, be a reasonable protection?—It might be desirable to reduce the term of residence to three years; it of course would extend the benefit to a still larger number of persons if it were reduced to three years instead of five.

488. Coupling that reduction of time with the extension of area, I suppose, altogether, a very large class of persons would feel the benefit of it?—A very large class.

489. Do you think it a practicable matter?—Yes, no doubt it would entail a little additional expenditure upon large towns, but I think that the benefit which the poor would derive from it would be worth the cost.

490. Is there any other change which it has occurred to you it is desirable to make with regard either to the mode of executing the removals, or the order, or examination, or any other point?—I think not; I think the present mode of examination and of obtaining the order is as good as you can have.

491. Have you had many cases of Scotch paupers whom you have had to remove?—We have removed a good many, but not so many as the Irish; of course a great many find their way into England from the border counties and from Leith by the cheap steamboat conveyance, and we frequently have to remove them home again.

492. Looking to a return which I have here, ordered by the House of Commons in August 1854, it would appear that the number of removals of Irish paupers from Newcastle-upon-Tyne, in the year ending 25th of March 1854, was 22, and the number of Scotch 29?—That is right.

493. Then the number of Scotch was greater than the number of Irish?—It was in that year.

494. Was it peculiar to that year?—It does seem to have been peculiar to that year.

495. Has it been so in other years?—It has not been so in other years; I can give you the numbers extended over a great number of years.

496. Give them for a few years, if you please, since 1847?—The numbers removed to Ireland in 1847 were 70, and to Scotland only two. In the next year, 1848, the numbers were to Ireland 24 and to Scotland one. These numbers, I must observe, had reference to All Saints parish only at that time; the guardians had not taken up the question of removal. After the year 1848, the numbers refer to the whole union. In the year 1849, the numbers were 29 to Ireland and 10 to Scotland; in the year 1850 the numbers were 60 to Ireland and 8 to Scotland; in 1851, 39 and 26; in 1852, 38 and 23; in 1853, 24 and 15, and in 1854, 22 and 29. Perhaps, with reference to the large number removed to Scotland during the last year, I might explain, that we have had a number of boys and young persons who have come up from Edinburgh, they alleged, in search of ships, and we have had to send them home again, and of course these go to swell the numbers during that year; I noticed a greater number of that class of persons than on any former occasion.

497. Then, with regard to Scotch paupers, am I to understand that your recommendation about the area and the time for gaining the privilege of irremovability would apply to them, and in fact to all paupers?—To all paupers.

498. English

498. English, Irish and Scotch?—English, Irish and Scotch.

499. Would you think that the best arrangement which could be made, taken altogether?—In my opinion it would be.

500. You would preserve the law of removal, but modify it in the way which you have pointed out?—Yes.

501. Have you had any paupers from any of the other places mentioned in our order of reference, namely, the Isle of Man, or Scilly, or Jersey or Guernsey?—Occasionally we have had one or two, but very seldom.

502. I suppose those have come under your cognizance as assistant overseer?—They have; I have had removals to all those places, but not occurring more than once in two or three years.

503. Have you sent paupers to the Isle of Man?—I have, probably on three or four occasions during the time that I have been in office.

504. Where from?—From Liverpool at that time.

505. There are packets from Whitehaven, are there not?—There are; but in the regulations for the removals from our union, we are directed to send them to Liverpool for the Isle of Man.

506. Are those the regulations sanctioned by the justices under the Act of Parliament?—They are: "All natives of the Isle of Man to be so removed, shall be conveyed by railway to the port of Liverpool, and thence by sea to the Isle of Man."

507. With regard to the Irish, what do your regulations say about the removal of the Irish as to the place?—"All natives of Ireland to be so removed, unless where they shall consent to be removed to any other port or place in Ireland (such consent to be stated in the warrant of removal), shall be conveyed as hereinafter mentioned, viz., such as are to be removed to either of the counties of Londonderry or Donegal, shall be conveyed to Edinburgh in Scotland by sea or railway, thence to the port of Glasgow by railway, and thence by sea to the port of Derry; such as are to be removed to any of the counties of Antrim, Down, Tyrone, Fermanagh, Armagh, Sligo, Leitrim or Mayo, shall be conveyed to Carlisle, in the county of Cumberland, by railway, thence to Port Carlisle by some public conveyance,"—I may be permitted to observe, in reference to that regulation, that no boat sails from Port Carlisle now to Ireland, nor has done for the last two or three years, and that Whitehaven has been substituted instead of Port Carlisle—"thence to Port Carlisle by some public conveyance, and thence by sea to the port of Belfast: such as are to be removed to any of the counties of Louth, Monaghan, or Cavan, shall be conveyed by railway to the port of Liverpool, in the county of Lancaster, and thence by sea to the port of Dundalk; such as are to be removed to any of the counties of Dublin, Eastmeath, Westmeath, Longford, Roscommon, Galway, King's County, Queen's County, Kildare or Wicklow, shall be conveyed by railway to the port of Liverpool, and thence by sea to the port of Dublin; such as are to be removed to either of the counties of Wexford or Carlow, shall be conveyed by railway to the port of Liverpool, and thence by sea to the port of Wexford; such as are to be removed to any of the counties of Waterford, Tipperary or Kilkenny, shall be conveyed by railway to the port of Liverpool, and thence by sea to the port of Waterford; such as are to be removed to either of the counties of Cork or Kerry, shall be conveyed by railway to the port of Liverpool, and thence by sea to the port of Cork; and such as are to be removed to either of the counties of Limerick or Clare, shall be conveyed by railway to the port of Liverpool, and thence by sea to the port of Limerick." These are the regulations as to the removal of Irish.

508. You have said, that the Irish paupers come, many of them, to Whitehaven, and thence across the country to Newcastle; have you learned from themselves from what part of Ireland they chiefly come?—I think we have more from the southern and western counties than we have from the northern counties.

509. From what ports, as far as you can make out, do they come across to Whitehaven?—They generally come across from Belfast.

510. I am speaking of that class of Irish poor who, you say, come across, and arrive in a state of destitution, and are obliged to apply for relief; can you say from what part of the country they come?—I think they come chiefly from the more western counties in Ireland.

511. Of course all you know upon the subject must be from communication

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with themselves, I suppose?—My knowledge is entirely derived from what they state themselves.

512. You are aware that, in this country, when you remove a pauper, you must send notice to the parish to which the removal is to take place, and that a certain length of time must elapse before you can execute the removal, in order that that parish may appeal in the meantime, or give notice of appeal. At present, I believe, with regard to Ireland, there is no notice given to anybody that a removal is intended?—Neither as to Ireland nor Scotland.

513. Have you considered how far it might be proper, if you retained the law of removal, to introduce any provision of that kind?—The evidence is so very different upon which the orders are obtained, that the cases are not analogous. In the case of a person to be removed to Ireland or Scotland, all that is required is, that he shall swear that, to the best of his knowledge and belief, he was born in either the one or the other. Now, it would be very difficult, even if the parties had information, to be able to rebut an order founded upon evidence of that kind.

514. That is all that the Act of Parliament requires at present?—It is; though I do not say that any injury would be sustained by any parties, from the fact of their having a notice that the order had been obtained.

515. When you go before the magistrates now, I suppose the magistrates require some evidence as to the part of Ireland from which the pauper comes, because their order is to be, is it not, for removal to the port which is next to that place?—It is to the nearest port.

516. Therefore, it forms a subject of inquiry now by the magistrates, from what part of Ireland the pauper comes?—Yes. In the examination, the pauper names the parish in which he was born.

517. Will you read that part of the form?—The examination is taken upon a form, which I have not with me, but I can give you the substance of it. The name of the pauper is given, John Thompson, who, upon his oath, says, I was born in such a parish, in such a county, in Ireland; and I left it so many years ago, and I have acquired no settlement in England. These are the terms of the examination.

518. I believe in the form in the Schedule to the Act of Parliament, the deponent is to say, that according to his knowledge and belief he was born in in that part of the United Kingdom called Ireland?—Yes.

519. Then you fill it up in the way you have mentioned, in the parish of so-and-so?—Yes, in the parish of so-and-so, in the county of so-and-so, and that he left so many years ago.

520. Have you any further suggestion which you think might be useful to us with regard to the subject of our present inquiries?—I think not.

521. Mr. *Grogan.*] I understand you to say, that as regards your own experience, you generally take the paupers to Whitehaven; am I correct in that?—We take them to Liverpool, sometimes to Glasgow; of course we take them according to the directions. I allude to those who are to be removed to Belfast, and the largest portion of them have to go to Whitehaven; but we frequently send them to Liverpool and to Glasgow to be shipped.

522. You have handed in a copy of the regulations established by the magistrates for the removal of Irish paupers; are those regulations invariably adhered to?—Invariably.

523. And the magistrates decide to what port in England the paupers are to be sent, with the view of being shipped to Ireland?—They do.

524. In the examination of the pauper before the magistrate, is he sworn?—He is.

525. In every instance?—In every instance; sometimes they refuse to be sworn, and then no orders are obtained, but in every instance in which an order is obtained, it is upon the oath of the pauper.

526. In the order of removal issued by the magistrate, is there a direction given by the magistrate as to the amount of relief or money that you shall give the pauper when he is going on board ship?—None.

527. They always go as deck passengers, I presume?—They do.

528. And in the amount of relief or provisions or money which you state that you give them, is it entirely discretionary with you?—It is.

529. A question was put to you relative to a notice being sent from Newcastle,

castle, for instance, to the parish in Ireland to which the pauper was to be removed; can you see any difficulty or objection to such a notice being given in all cases?—I see no objection to it.

530. If that notice to be given to the union to which the pauper is to be removed should also contain a statement of the sum of money that you give him on board ship to carry him on, we will say from Cork to his place of intended residence, do you see any objection to that?—None whatever.

531. I think you stated that the population of your union was about 80,000?—Eighty-seven thousand.

532. And that your in-door accommodation was only for 500?—Yes.

533. In the unions to which you have referred, Gateshead, South Shields and some others, is there much the same ratio of in-door accommodation to the general population of the union as in your union?—Pretty nearly the same.

534. What class of parties in your union generally get out-door relief; is there any general rule on the subject?—There is no general rule; of course the small number that the house will accommodate will make it necessary always to relieve the greater portion of them out of doors; and the persons who are sent into our house very frequently are so on their own application, having no persons to attend to them out of doors, and orphan children, and such as that; occasionally an able-bodied person is ordered into the workhouse; not many of them remain long.

535. Have you known many instances in which a tender of in-door relief to Irish paupers applying for relief has been refused?—I have known very many.

536. Is it generally the case?—Generally.

537. What number of Irish paupers on an average, in the last year for instance, may you have had relieved in the house?—We never have many in the house; I should say that we very rarely have above 20 or 30 in the house; probably four or five families may go in with four or five children each, and then they are removed in a short time or leave the house again; they never remain long in the house.

538. During the severe weather last month, had you any great increase of Irish applicants for in-door relief?—No; we had for out-door relief, not for in-door.

539. Practically, have you ever found the test of the workhouse unable to be applied, by reason of your workhouse accommodation being so small?—I have.

540. That is the reason, I presume, why the guardians are thinking of augmenting their in-door accommodation?—Yes; during the last pressure for relief, a great number of able-bodied Irish persons who applied for relief were ordered to the workhouse, and none of them went.

541. Did you give them out-door relief when they refused to accept the in-door relief?—No; they were cases in which the guardians thought that out-door relief ought not to be given; they were able-bodied men; many of them young men without families.

542. Do you remove Irish paupers unless they go into the house?—Yes; we remove them when they are getting out-door relief very frequently.

543. I understand you to say that the class of Irish paupers whom you have removed are what you may call the vagrant class?—Generally speaking, but there are sometimes other persons removed; persons who seem to have no prospect of making a living in this country, and who have not been long here. Sometimes persons are removed on their own application; they apply to the guardians for relief, and they state that they have made the application because they want to be removed to Ireland; that they have no means of obtaining their living here.

544. How do you measure the prospect that an Irish labourer may have of obtaining labour, and the means of sustaining himself in Newcastle?—If an Irishman applied for relief, he would be asked the question whom he had worked for last; and whether, in the event of his having relief for two or three weeks, he would be able to return to his employment again. If he said that he would, we should never think of removing such a person.

545. Lord *Naas.*] The power of giving an order of removal rests entirely in the discretion of the magistrates, does it not?—It does.

546. Do the magistrates of Newcastle lay down any general rule for the granting of these orders?—They do not.

547. What is the general length of residence of the persons who are removed?

Mr. *George Grey.* —It is various; sometimes only a few weeks, sometimes a few months, some times two or three years.

15 March 1855. 548. Can you tell us what is the average length of residence of paupers removed to Ireland?—I could not speak as to that; it is so various, that I could not form anything like an average of it.

549. You say that there were 30 Irish families who were offered the workhouse, and only two went in; do you know whether any of those 30 families were removed subsequently?—I am not aware as to that. I know them generally from being so much about in the parish. I always attend the relief committees, and I generally know something about them when they come before the guardians.

550. Do you think that the Irish, generally, have a greater dislike to going into the workhouse than the English poor?—I think they have.

551. Do you think that if your workhouse accommodation was rendered sufficiently large to test greater numbers of applicants for relief, that would reduce the numbers very much?—I do not know that it would. I know, that when persons belonging to Ireland go into the workhouse, they seem to remain there satisfied. We visit the workhouse every two or three weeks to ascertain whether there are any persons in who ought to be removed; and very frequently, so soon as they find that they will be removed, they give notice to quit the house and leave.

552. You said that you thought there was a great indisposition to go into the house?—So there is; but that indisposition, I believe, arises entirely from knowing the fact that, if they go into the house, it is probable they will be removed.

553. You said that most of your removals were from the workhouse?—A good many are from the workhouse.

554. How do you account for that?—Because the guardians think it advisable to apply the test of the workhouse, in many cases, before undergoing the expense of removal; of course, if they do not go into the house they are not removed.

555. Is it your opinion that, though there is an indisposition on the part of the Irish paupers to go into the house, there is a still greater indisposition on their part to be removed?—There is.

556. Mr. *Maguire.*] I think you said that there were 30 families who were offered the workhouse, and only two availed themselves of it; can you give any reason why the two availed themselves of that offer?—No other reason than I have given; I think more of them would have gone in if they had not believed that they would be removed.

557. Have not you the same power of removing a person who has received out-door relief as of removing a person who has received in-door relief?—You have not the same power over them, inasmuch as if they are living out of doors and they have to be removed very frequently, they manage to get either the man or the wife, or a child, out of the way, so that probably you may go half a dozen times to seek them and you will not find them; and after you have got the order, you find that they have removed to some other part of the parish or town.

558. Am I to understand that the same parties make but a single application for out-door relief, inasmuch as you say that your power over them is lost?—The relief will be ordered probably for a month or six weeks, or for three weeks, and in that time the guardians expect that steps will be taken to have them removed.

559. Are you speaking of in-door or out-door relief?—Of out-door relief.

560. Do they get whatever the guardians order in one lump?—No; they get it weekly until they are removed.

561. Have you not practically the same power of removing a person who receives out-door relief as a person who receives in-door relief?—Yes.

562. You say that these 30 families were deterred from accepting in-door relief because of their being sent to Ireland; how do you explain that?—I think many of them were.

563. I ask, again, does not the law give you the same right, and have you not the same facility of removing a person who accepts out-door relief as a person who accepts in-door relief?—Yes; but those 30 families had not the option of taking either out-door or in-door relief; they were offered in-door relief, and they did not accept of it.

564. Do you attribute that refusal to the kind of instinctive or natural aversion to

to the workhouse which the Irish are presumed to have?—With some of them it may be that; with others the fear of being removed.

565. I am sorry to trouble you with the question again. I cannot understand you. Do not you remove almost every month persons who accept out-door relief from you?—We do; but we do not remove so many of those who are getting out-door relief as we do of those who are getting in-door relief.

566. However, the law gives you the same power and the same right?—It does; but we find difficulty in getting them away when they are receiving out-door relief; that causes the difference.

567. You spoke of a discretionary power in the magistrate; how long has the magistrate possessed that power?—Since the passing of the 8th and 9th Victoria, the last Removal Act.

568. Do you know anything of the operation of the Irremovable Act: the five years' Act; was that understood by your union as applying to the Irish?—It was.

569. Since what time?—Since the time that it was passed; we have always acted upon it.

570. You are clear upon that?—Quite clear.

571. Do you know anything of the practice in the adjoining unions?—I believe they have all acted upon it, the same as we have done, though I have heard that in some unions they have not done so.

572. I believe even up to this moment they are under the idea that it does not apply to the Irish?—I believe they are in some unions.

573. And they act upon it?—I have heard that they do act upon it.

574. Mr. *Ingham*.] In the north of England?—In the north of England I believe they do not.

575. Mr. *Maguire*.] You expressed to my mind a very humane opinion, that the area ought to be extended from parishes to unions, because you consider it a very great hardship for an industrious man, who removes from one street to another, or one parish to another, to lose his settlement, and thereby become liable to be removed?—I consider that a great hardship.

576. A very great hardship against the poor?—A very great hardship, and I have frequently brought cases of that kind before the notice of the guardians, and they have declined to order removal in consequence.

577. What unions adjoin yours?—The Gateshead Union on the south side of the River Tyne; the Tynemouth Union to the east of it, and the Castleward Union to the west and north.

578. In each of those unions are there many Irish?—There are a good many in the Tynemouth Union and a good many in the Gateshead Union; there are few in the Castleward Union.

579. What greater hardship do you conceive there would be in rendering an industrious and honest man liable to removal because he changes from parish to parish, than in removing a man who happens to go from the Gateshead Union into the adjoining union, crossing the street or almost an imaginary boundary?—The hardship would be no greater in a case of that sort, but it is difficult to draw a line.

580. The hardship to the individual is just as great?—So it is; but the area might afterwards be extended probably from unions to counties; that would be a step in the right direction; and it might afterwards be followed by some still further extension of the area.

581. Then the evil is very great as to the removal from parish to parish, and you wish it to be diminished by extending the area to the union?—Yes.

582. But in a diminished ratio the evil exists, as between union and union, does it not?—It does, no question of it.

583. Suppose that an industrious man ceased to find employment suited to his capacity in Liverpool, and went to your town with a *bonâ fide* intention of earning his bread by honest industry; suppose that he remained in your town for one or two years, and that he suddenly found that he could no longer support himself and applied to the union, would it not be a very great hardship that he should be removed to Ireland?—If the man had any prospect of living in England we should not, under those circumstances, send him to Ireland.

584. But the law gives you the right?—Yes; but I do not believe it is ever exercised with regard to industrious persons.

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585. You do not presume to speak beyond your own union, I suppose; do you speak generally?—I speak generally; every statement that I have made in reference to the Union of Newcastle-upon-Tyne, I believe, applies equally to all the unions in the North of England.

586. Do you know anything as to the practice in Liverpool?—I do not.

587. If you heard it said by any person, speaking of unions in the North of England, that they do send over paupers whenever they apply, and there is the power of sending them over, would you say that that was contrary to the fact?—I would.

588. From your own knowledge?—From my own knowledge of the number sent away, and of the circumstances under which they are sent, I would not believe that from any of the northern unions persons would be sent away otherwise than as I have described.

589. You regard the present power of removal as a double check, not only to prevent the influx of Irish paupers, but to prevent a vast number of Irish poor who are in England from applying for relief?—I do.

590. And you do not wish to have that power taken away on those two accounts; is that the reason?—That is the reason; but at the same time I explained that the persons resident in this country, who, I think, would apply for relief, must not be considered as industrious Irish poor, but as persons of the vagrant class, who do not settle down to any fixed employment.

591. That is your idea?—That is my idea.

592. In places where the same tenderness is not used towards them, as I assume upon your representation is used in the North of England, do not you think that many people who are of an industrious character and yet cannot find employment, are deterred from applying for relief, because of this power of removal?—I do not think so; I think that it is the policy of parties in all unions in England, if possible, to retain industrious labourers and not to remove them.

593. If in a parish in London it is stated by a witness, that every person whom they have a right to remove they do remove, do you not think that a vast number of persons are deterred from applying for parochial relief because of the system adopted in that parish?—I should think a great number would be deterred by such a system.

594. I am not at all alluding to your locality, but I am stating a case which has been stated here; do you think that that is a good state of things, that any poor person who is really in want of relief, should be deterred from applying to the proper authorities for relief, because of the fear of some greater injury to him?—I think it is not a good state of things, and I think that where there is no question of destitution, no test ought to be applied, unless that destitution be to some extent voluntary on the part of the individual.

595. Can you give the Committee any idea how many Irish there are in the population of 87,000, which you spoke of?—I could not give anything like a correct statement of the number; there probably may be 7,000 or 8,000, or there may be 10,000.

596. *Chairman.*] And how many Scotch?—Probably half the number of Scotch.

597. Mr. *Maguire.*] How are the Irish employed?—I have described the sort of employment before; generally as labourers, some in manufactories, some in foundries, some in glasshouses, and some in general out-door labour, such as serving masons and all other kinds of things.

598. Lord *Naas.*] Are there no miners?—There may be some instances in which they are employed in coal mines, but they are very rare; they do not make good miners.

599. Mr. *Maguire.*] They undergo a very rough and laborious kind of work, do they not?—They are excellent labourers.

600. Do you think from your knowledge of that locality and of the North of England generally, that they could do well without those Irish labourers?—I think we could not do without them.

601. Do you think it is possible for you to do without them?—Not well; works to the same extent could not be carried on without their labour; that is my impression.

602. Of course if those works could not be carried on there would be a proportionate local as well as national injury, would there not?—There would.

603. You also wish to retain this law of removal to prevent greater numbers of

of Irish coming from Ireland to your union and other unions?—Yes; persons who are not able to provide for themselves.

604. Are not the numbers of Irish who come to your locality, and others of which you have any knowledge, diminishing every year?—They are diminishing.

605. Are they diminishing sensibly?—I have not observed a great difference in the last year, but in the previous two years I observed a sensible diminution in the numbers.

606. Do not you imagine that if the social condition of Ireland be improved, and there be better employment, or the population be diminished, you must have necessarily a less number coming into the union?—The danger would become less.

607. Do you know as a fact that the population of Ireland has been very much diminished of late?—I know that it has.

608. You said that all those paupers intended for Cork and Kerry are sent to Cork; is there any provision made by your parish for the transmission of a pauper from, say the city of Cork to a distant part of the county or to Kerry?—None beyond the extent which I have stated.

609. A small sum of money to suffice for the passage?—Yes.

610. Have you any idea of the extent of the county of Cork?—I have not; I think you misunderstand me when you say that the small sum of money given to them suffices for their use upon the passage; the money given to them is not for their use on the passage, but that they may have it when they land, so that they may not be destitute.

611. Have you ever heard of Bantry or of Skibbereen?—I have heard of them.

612. Did you ever send a pauper to either of those places?—I did not.

613. Have you sent paupers to Kerry?—I have.

614. Have you sent a pauper to Listowel or Tralee; have you heard of Tralee, the capital town of Kerry?—I have.

615. If you send a pauper to the city of Cork who is described as of Tralee or Listowel, or any of those places, what provision do you make?—We do not feel that it is incumbent upon us to make any provision beyond what I stated before.

616. Will you give me an idea of the amount of money which you place in the hands of one of those persons so removed?—It would depend upon the persons; we should perhaps give 2*s*. 6*d*. or 2*s*., or 3*s*. or 4*s*.; if it were a person with a family, of course we should give more than we should to a single person.

617. Lord *Naas*.] Suppose you removed a pauper to the town of Bantry, and another pauper to the city of Cork, and they both were to land at Cork, would you give them the same sum of money?—We should.

618. Mr. *Maguire*.] Would you be surprised to learn that some parts of the county of Cork are 100 miles from the city?—I am not surprised at it; I was aware of the fact.

619. Or that some parts of Kerry are 120 or 130 miles from the city of Cork?—Yes.

620. Do you make no provision for those who wish to go that distance?—We do not; we are only required to send them to the nearest port.

621. You are very anxious, and I think justly so, to adapt the same law to English, Irish and Scotch; that is to give the people of the three countries the benefit of the extended area and the limited time?—Yes.

622. You are quite clear about that; you would wish to do equal justice to all?—I would.

623. *Chairman*.] What do you wish to be done with regard to the three?—What I have stated in reference to any of them would apply to all of them.

624. Mr. *Maguire*.] You wish to treat the poor people of the three countries just in the same way; do you not?—Precisely, except where you find the circumstances so very different that you cannot assimilate them.

625. If the law of removal were done away with in England, would you retain it as against the poor of Ireland?—Yes; I would under the circumstances which I have stated.

626. What circumstances?—I have stated that there are a class of persons belonging to Ireland who do not seem to settle down to any kind of employment

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in this country, and I think it would be very hard upon the ratepayers in this country to have to keep them.

627. Is it not possible to adopt such a stringent workhouse test as would greatly diminish that evil?—I think not.

628. Do you adopt any particular kind of industrial employment in your workhouse?—Not any particular kind; oakum is teased in it, and hair is teased, and sometimes we have had a stone-yard attached to it; at present there is none.

629. Supposing you had that stone-yard attached to the workhouse, and an idle Irish pauper came there, and applied for relief, if you gave that pauper admission, and made him work in it, do not you think you would in a short time get rid of him?—I have known an Irish pauper remain a considerable time in the stone-yard, where he was earning a very small amount of money, but probably during the whole of that time his children were begging or going about selling some small wares, by which he was enabled to eke out an existence, and I have not known any such instances among English paupers.

630. Did he remain in your workhouse during that time?—No; he was employed in the stone-yard, and paid so much for his labour.

631. Do you think it was possible for that man at the time to have got better and more remunerative work?—I have no doubt he might have done so if he had exerted himself.

632. Did you inquire into his particular case?—I have known many persons of that kind who never have settled down to any sort of employment, who I think might have done so if they had been industrious; and I have known a larger proportion of them amongst the Irish poor than I have known amongst either the English or the Scotch.

633. Does not it show some industrious spirit in a poor man who remains hard at work for a whole day breaking stones for a very small amount?—He would not remain probably the whole of the day; he would break in two or three days the amount that he was allowed to break in the week, and then during the remainder of the time he would idle about.

634. Do you not think it possible to adopt so stringent a system in the workhouse as would prevent undue applications?—I do not know of any such test having been discovered as would suffice for the purpose which you mention.

635. The test which I speak of has not been applied; it has not had fair play?—There might probably be some test invented that would suffice for the purpose.

636. *Chairman.*] Would public opinion in England go along with that, as regarded English paupers?—I think not; they would object to any such test as that being applied, even with reference to Irish paupers; I think they would regard it as more harsh than removing them.

637. Mr. *Maguire.*] You said that they were going about begging; why is not the vagrant law put in force?—I do not know; I cannot speak as to that.

638. Do you think it so gigantic an evil that a vigorous and energetic magistrate cannot grapple with it?—I think that the magistrates cannot successfully grapple with it in a large town; children carry some trifling things about with them pretending to have it for sale and defeat the law.

639. I believe you find that very common in London amongst all classes, the Irish and the English?—More amongst the Irish with us at all events; I do not know as to London.

640. You say that when the law of removal was in abeyance, numbers came over to you; do you think that those people came for the purpose of obtaining employment, or came merely to get your out-door relief?—I do not know as to their motive; all I know is, that they applied for relief so soon as they came.

641. Might they not have applied for relief so soon as they came, because they did not get employment immediately?—I have known them on one or two occasions to be asking their way into the town, and asking for the name of a particular relieving officer.

642. Is it not very possible that those persons might have exhausted their limited resources before they arrived at the town, and that it was quite natural for them to apply for relief on their arrival there?—I heard from themselves that they had no resources after having landed; that they had begged their way down, and that they had nothing when they came away; but that some person had

had given them a few shillings to enable them to come to England, where they had some relations.

643. Do you think they came to England for the purpose of really supporting themselves by some industrial occupation, or merely for the purpose of throwing themselves as beggars upon your charity?—I think they came under the impression that they would be more liberally dealt with in England than in Ireland as to parochial relief.

644. Would you be surprised if you heard persons, who know the Irish very well, state as to relief, either in the workhouse or elsewhere, that those people never had any intention of applying for it whatever; but that they came over to this country simply and solely for the purpose of obtaining some kind of employment, however humble?—I have known many come not for the purpose of working; I have known old people come who were past work.

645. Did not they come to their friends?—Friends who were unable to keep them. I have known women and children come.

646. Do you think that they knew at the time that their friends were unable to provide for them?—I do.

647. Can you give me a case in point; can you mention names?—I do not know that I can mention names, but with a little inquiry I could obtain the names. I can mention cases, but I do not recollect the names.

648. You think that it would do no harm to diminish the period for gaining irremovability from five to three years; do not you think that two years or one year would answer as an industrial test quite as well as three?—I think not.

649. Why?—I think one year is too short.

650. Would you not be very well able to understand a poor person's desire to live honestly, if he worked hard for one year, and was able to support himself, without ever applying to you?—I think if you diminish the difficulty, you also diminish the security.

651. You say that your guardians are not willing to turn away any person who really is anxious to work?—They are not.

652. Do not you think that you would have a sufficient knowledge of a man's disposition and intention within one year?—Not so good as you would have in three.

653. Would you not have sufficient?—I should not be prepared at present to go below three years; probably afterwards it might be reduced below three, if it were found to operate favourably, and eventually perhaps abolished altogether.

654. While it would not be harsh or injurious to a poor person in your parish, where discretion is used and tenderness exercised towards the poor, would it not be hard to remove a man after two years' industrial occupation in England to Ireland?—Yes; if a man had given evidence of industry during that time, and appeared to be only temporarily out of employment, I think it would be rather harsh towards him; and I do not think that, in any union, where a person had given such evidence, and was only temporarily out of work, and had a hope of obtaining it again in a short time, they would remove him.

655. But if a gentleman comes here, and states, upon the part of the parish which he represents, that it is the habit to send away every person whom they can send away, why do you state, as if it was of your own knowledge, that there is no such thing as a wish to remove a person who really desires to support himself by his industry?—I hope that is an exception to the general rule.

656. Mr. *De Vere.*] With respect to the last question which has been asked you, would not one year's industrial employment show that a man had come over to this country for the purpose of being industriously employed, and not to throw himself upon the rates?—As I stated before, it would afford you some opportunity of judging of a man's intentions, but not so good a one as three years would do.

657. Would a man who came over for the purpose, not of working but of throwing himself upon a parish support, work for 12 months without asking for that support?—I think he would not, but I think that stepping down from five years to three is a sufficient step to take at one time.

658. You have divided the Irish in Newcastle into two classes, those whom you call resident, who are generally employed in glasshouses, factories and such like, and those whom you call of the vagrant class, whom you describe as persons looking for employment here and there?—Yes.

 659. I understand

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659. I understand you to say that the former class do not give you much trouble?—They do not.

660. And that your applicants for relief are principally from the latter class?—Principally from the latter class.

661. I think you said that your Board, exercising a wise and a humane discretion, have in many instances not availed themselves of that power of removal?—Very many.

662. Can you tell the Committee whether the persons who were treated in that humane and considerate manner, afterwards applied for relief or devoted themselves to industrious employment?—Generally speaking, they were industrious.

663. Have they become useful members of society; useful for the labour market?—Yes.

664. And many of them probably have merged in the former class, that you described as the fixed and resident class?—Many of them have.

665. The non-resident or vagrant class are persons who come looking for employment; from what circumstances do you conclude that in some cases those persons are likely ultimately to become chargeable for parish relief?—As I stated before, they do not remain in employment when they have obtained it; they work for a short time in one place, and go to another, and another, and so on, and probably they do not work altogether more than half their time. A person who is in good work in Newcastle, during a few weeks in the harvest, throws up his work, goes away and leaves it, and leaves his family chargeable to the parish, and a great many of them, I am sorry to say, do not come back at all.

666. I believe that such persons generally take labour of the hardest and most disagreeable kind, and at the lowest pay?—Many of the Irish poor do.

667. Then is it not likely, that being put to a very disagreeable labour, and being very badly paid, they should leave that kind of employment for the sake of trying to get something better?—I do not think they do that; I do not think it is with a view; to get better it is simply a kind of love of change that seems to be about them, and a disposition to move about; for in the north they are all very well paid for their labour.

668. You say a love of change: do you not mean a change from worse to better?—I am afraid they frequently make it from better to worse.

669. No doubt that may be the result, but do you think that that is their object in making the change?—I think they have no prospect of a change for the better when they make the change; some make the change with the object which you state, but I think it is very frequently made with no such object.

670. Do you not think that in making the change they still make it for the sake of continuing in industrial employment?—I can only judge of it from what I see take place afterwards; I can only draw an inference from facts that afterwards come to my knowledge; I cannot say what may be their motives at the time they make that movement.

671. Your objection to doing away with the law of removal I understand to be entirely on the ground of expense?—Not wholly on the ground of expense; I think that it would be doing some injury to that class which I speak of to afford them greater facilities of obtaining relief, which they would have if the test of removal were taken away.

672. I think you stated two reasons; one, that there would be a greater influx of Irish paupers, and another, that there would be a greater tendency to apply for relief out of the parish rates?—Yes, with such persons as I have described.

673. Have you ever considered whether the not applying for relief where such relief is absolutely necessary, may not entail local expense by perpetuating the pauperism of the party who would otherwise apply for relief, and by producing crime, which is inseparable from continuous and extreme poverty?—My observation has reference to persons who could, if they would, provide for themselves, without applying for relief.

674. I think you said that the fear of removal prevents many applications for relief?—I have no doubt it does.

675. Is that fear of removal consequent upon the greater poverty which exists in Ireland, and the absence of employment there, making persons in this country unwilling to be removed back to Ireland?—I cannot speak as to the state of Ireland, except from what I have heard from other sources.

676. Do you believe that there would be any indisposition to incur removal in this

this country, if that removal were to bring them to a country where they would be in as comfortable circumstances, and as likely to obtain employment?—From what I have heard of Ireland lately, I think that the labour market is not overstocked, and that many persons who do object to be removed from this country would have no difficulty in finding employment in their own country, and upon better terms than they have hitherto done.

677. Do you know anything of the rate of wages in Ireland?—I do not know, but I understand that it has improved considerably within the last two or three years.

678. Are you aware that it is still considerably under the rate of wages in England?—I am not aware of that; provisions, I believe, are considerably cheaper in Ireland, and therefore a smaller rate of wages may be equivalent to a higher rate here.

679. I must repeat my question, as I do not think you have quite answered it; do you believe that if the effect of a removal to Ireland should be no increase of discomfort to the person so removed, the present indisposition to being removed would exist?—I do not know; I cannot speak as to that.

680. Then if it be the case that the fear of removal is in consequence of the greater poverty and the greater difficulty of getting employment in Ireland, does it not follow that that poverty and that difficulty of getting employment are used as an additional test in the case of the Irish pauper?—It would be so with a person who was industriously disposed, but the class that I have been speaking of, not being disposed to work when they are here, of course it would not have such an effect upon them.

681. I do not think you have told the Committee upon what grounds you have come to the conclusion that persons are unwilling to work, because you find them asking for relief?—Because, at the time they were asking for relief, I have known from manufacturers that they wanted labourers, and could not obtain them; and if at such a time I find persons coming before the guardians, making applications for relief, representing that they cannot obtain employment, I then conclude that they are persons who do not want to obtain it.

682. Supposing that you received those persons into your union workhouse, and you found that employers in the neighbourhood were willing to accept their services, would you not offer them that employment, and tell them that if they refused to accept it you would turn them out of the workhouse?—I do not know that the guardians would be justified in doing that.

683. Mr. *Maguire.*] Did you, in point of fact, send any of those applicants to those persons who required this labour which you speak of?—I have very frequently directed them, and I have found that they have never gone.

684. Mr. *De Vere.*] You say that you think that if you were to do away with the power of Irish removals there would be a greater influx of Irish paupers coming into this country?—I have said so.

685. And you think that this difficulty would be increased by the Irish partiality for out-door relief?—I think it would.

686. I think you said that your workhouse accommodation was insufficient for a large application of the workhouse test?—It is.

687. Then does it not follow that the deficiency of your workhouse accommodation is one reason for your thinking it dangerous to do away with the power of removal?—No, I have not come to that conclusion.

688. Does it not follow from what you have said; you have said that one great danger of doing away with the power of removal of Irish paupers arises from their partiality for out-door relief; you have also said that your workhouse accommodation is insufficient for a large application of the workhouse test; does it not follow that if your workhouse accommodation was sufficiently large to apply that test, the danger consequent upon the increased influx of Irish paupers would be greatly removed?—I have not had an opportunity of observing what effect the workhouse test might have, provided that test were unaccompanied by the power of removal.

689. You spoke of the children of poor Irish persons going about begging or selling small wares; may I ask you what small wares?—Lucifer matches, and such small things as that, where they can be supplied with a sufficient amount of stock to go about the town for a penny or twopence.

690. Have you ever taken any pains to ascertain whether those children actually did sell those little wares, and provide themselves with a fresh supply?—I have

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—I have not had an opportunity of observing that; the number of them has been diminished lately by the opening of a ragged school, where a good many of them are educated, and have food given to them. I have sometimes traced children of that description home that have come to me begging in the street, and I have found when I have gone home with them that their parents had sent them out, and that they ought not to have done so; that they had the means of providing for them without doing so.

691. That was an inference of yours?—I have gone home with them, and ascertained the fact.

692. What fact have you ascertained?—That the father was in work, and that the children were out begging.

693. And you concluded that because the father was in work the children ought not to sell matches?—They ought not to beg.

694. I want to draw a distinction between selling matches and begging; I think they are two totally different things?—They are very different, but I am afraid that results equally bad to the welfare of the child arise from the one as the other.

695. Mr. *Maguire.*] Would you be surprised to hear that there are many thousands of poor Irish children who are able to support themselves by this small industry in London?—I do not know that.

696. What is the amount of your poor-rate; what has it been last year?—It was 3 *s.* 10 *d.* per pound last year.

697. What charges were there upon that; was there city rate?—No; that is wholly and entirely for poor.

698. Was it applied entirely to the support of the poor?—Entirely, and to the charges incident to the support of the poor. That includes of course the cost of collection, the salaries of officers, and all the establishment charges which are connected with the administration of the poor law; no part of it is for any town or borough purposes.

699. Is the expense of all these charges, and of this distribution of relief, entirely raised by levy off the parish?—Entirely.

700. Lord *Naas.*] Do you think that it would be contrary to the public feeling of England, that a very large amount of workhouse accommodation should be given combined with a test; I do not mean a harsh test, but the mere test of residence in the workhouse?—I think it would; the public feeling in England, I think, is generally against the application of a test.

701. What meaning do you put to the word "test"?—I mean, that when a person applies for relief, and you give that person an order for the workhouse, that is a test; you apply it as a test of that person's destitution; and I think that the public feeling would be against the application of any test of that kind which was harsh.

702. Supposing the test was merely applied in the shape of admission to the workhouse, and industrial employment there, do you think that there would be any feeling raised against a large additional administration of a test of that kind?—I cannot speak as to that; I do not like to say what the public feeling might be under such circumstances.

703. Then your opinion merely relates to the supposition of a test being accompanied with a certain amount of harshness?—Yes; some peculiar test which we know nothing of at present.

704. *Chairman.*] We have been told here by witnesses from Ireland, that the system of relief in Ireland is almost exclusively in-door relief; in your judgment, would public opinion in this country sanction such an alteration of the poor-law system as to bring it almost entirely to in-door relief?—I think it would not.

705. We have been told also of the scale of dietary in the Irish workhouses; it has been described here as a good deal less liberal than that adopted in the workhouses in England; in your judgment, would public opinion sanction any such reduction of the dietary in the workhouses in England, as to bring it to an equality with the dietary in the Irish workhouses?—I think it would not.

706. Lord *Naas.*] With regard to dietary; what is the rule as to dietary in England; do you think that the dietary in England is pretty similar in the workhouse to the usual food which the poor receive outside when they are in employment?—It is different.

707. Is it inferior or superior?—I think to large families it is better in the workhouse than they can obtain out of doors when they are receiving only small wages.

708. Then

708. Then the dietary in the English workhouses is not guided by that consideration that it is pretty nearly the same as a poor person can receive if following his usual avocation?—It is not.

709. It is better?—I think it is better.

710. *Chairman.*] In the case of those who have large families?—Yes.

711. Lord *Naas.*] How is it in individual cases?—Where a person has not a large family, and has fair wages, of course he can live better out of doors than he can in the workhouse.

712. Mr. *Maguire.*] If I understood you correctly, you said that your greatest danger, if the law of removal were abolished, would arise from what you call the vagrant class, people disposed to change?—Yes.

713. People of a restless disposition, and indisposed to submit to restraint?—Yes.

714. Is not that the very class of persons who could be most safely operated upon by the in-door test?—I do not know whether they might or not, because I have not seen it applied to such an extent as to have the effect which you refer to.

715. If I understood you rightly, you said that you could deal with the industrious people very properly, and that your guardians knew how to manage them?—Yes.

716. But that it was with the vagrant class and those sort of people that your apprehension arose?—Yes, it is difficult to apply the test.

717. They being so anxious to roam about and so averse to restraint, does not everything which you say prove that the in-door test could be very properly applied to that vagrant class; the class desiring change and disliking restraint?—Perhaps it might.

718. Mr. *De Vere.*] Is it not the case that what we may call the removal test applies more strongly to Irish than to English labourers who happen to fall into distress?—The English do not seem generally to have the same objection to removal that the Irish have, although they sometimes have to be removed to a considerable distance.

719. Then the present state of the law, involving the removal test, places the Irish labourer, who has been working side by side with an English labourer until the period of his poverty arose, in a worse position than the English labourer?—If he has a greater objection to removal than the English labourer, of course it places him in a worse position.

720. Then the removal test applies unequally as regards English and Irish poor?—I have stated before, that, generally speaking, persons working in that kind of way are not the class of persons who feel the test.

721. Mr. *Ingham.*] What proportion of your paupers are Irish?—I cannot positively speak as to the number; in our union they do not keep an account of the number of Irish who are relieved separate from the English. At the time when there were 7,000 persons relieved, probably 2,000 of them may have been Irish, but I would not like to fix any amount, because where no separate account is kept of course it is only a matter of guess.

722. You said that you thought that a twelvemonth would be too short a period for industrial residence to make an Irishman irremovable?—I thought one year would be too short.

723. Might it happen, that an Irishman would be able to maintain himself individually for one year, and be joined by his family at the end of the year, and that then his earnings would be inadequate to their support?—That might be so.

724. If you extended the period to two years, is the probability less that an Irishman would consent to separate himself from his family for that length of time?—Yes.

725. Supposing you have such a period as will enable you to ascertain that he can maintain himself and all his family under ordinary circumstances by the operation of his industry, is that period sufficiently long in your judgment?—That is my opinion.

726. And if you curtailed the period, you could by degrees ascertain the shortest period which would suffice for that purpose?—Yes; I should look forward to the time when such a test would be unnecessary at all.

727. You say that you have already exceeded your strict obligation in giving to the Irish, when you send them to their own port, enough to maintain them till the night of their arrival there?—Yes.

 728. That

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728. That is more than you are actually bound to do by the existing law, I believe?—It is.

729. You added, that if their alleged home was only a short distance from the port of arrival, you gave them enough also to carry them home?—We have done so in many instances when they have stated that they had only 10 miles to go from Belfast, or whatever the port might be; we should give them a sufficient amount to convey them that distance, to enable them to purchase food during the time that they were walking the distance.

730. Do you know at all what is the largest amount which you have given to persons under those circumstances, at the time they have been removed?—I do not recollect having given more, I think, than 7 *s.* 6 *d.* or 8 *s.* or somewhere thereabouts; the amount of the sum would depend upon the helplessness of the person to whom it was given.

731. Mr. *Maguire.*] Have you ever had a disputed case of settlement with another parish, as to the removal of any person from your parish?—Do you mean an Irish person?

732. No; I speak of between parish and parish in England?—We have; but the amount of litigation has been very small indeed. I think I may safely say that it has not cost us during the last 15 years, on an average, 20 *l.* a year for law expenses; I think I am considerably beyond the sum.

733. Supposing there were a dispute between a remote union in Ireland and your parish, what do you think if it were properly carried on by the litigant parties it would be likely to cost?—I cannot say; I never had such a one.

734. If you had a vigorous contest it would cost a great deal of money, would it not?—If one had to go over to Ireland for the necessary evidence, it would be attended with considerable cost.

735. And if your parish were thrown in the contest, would it not be rather an unpleasant thing to them?—It would.

736. An honourable Member asked you as to the importance of giving a notice to the union to which you intended to remove a pauper; if that union resisted it, would not a conflict be inevitable?—If we entered into it; but I should never advise such a contest in my capacity of assistant overseer.

737. If you had determined to remove a pauper, and if the Irish union were determined to resist, would you give in?—Decidedly I would, if I saw that there was a probability of expending 40 *l.* or 50 *l.*, or 60 *l.* over a single case.

738. But it is likely that 40 *l.*, 50 *l.* or 60 *l.* might be expended in a vigorous contest?—I have known such sums expended; in fact I have known larger sums expended.

739. What sum have you known?—I have heard persons say that they have expended as much as 100 *l.* in litigating a single case.

740. Or even more?—I am not aware that I ever heard a larger sum mentioned.

741. Would you be surprised if you heard that one witness stated here, that as much as 350 *l.* had been expended in an individual case; a gentleman connected with the Poor-law Board?—I think it is possible that such a sum may have been expended; I have known two townships at no great distance from Newcastle three times at sessions in a case, and it must have cost them a considerable sum each time, and eventually the case was referred to arbitration.

742. Was that between two adjoining parishes?—I was not one of the litigants, but they referred the matter in dispute to myself and another person in the end.

743. But the litigants were two adjoining parishes?—Two adjoining townships.

744. It being easy in each to collect as much evidence as was necessary either to insist or to resist?—I think they had to bring the witnesses a considerable distance.

745. They might have to bring the witnesses a considerable distance if some remote union in Ireland entered into a contest with your parish, or with an adjoining parish?—Yes; I can fancy that the expenses might be greater than they have ever been known to be.

746. Mr. *Dunlop.*] If you remove Scotch paupers, how do you remove them?—If we remove them to any of the border counties, we remove them to the parishes where they were born; if to any more distant part of Scotland, we remove them to the ports where we have to deliver them.

747. Do

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747. Do you ever get back any English in return for those whom you send over to us?—Very seldom; I think since they have had the power of removing English from Scotland, we have not had more altogether than 10 or 12.

748. Mr. *A. Hastie.*] Have you many Scotch poor in Newcastle?—We have a good many; they are industrious working people, I think.

749. But not paupers?—Not paupers; many of our tradesmen are Scotch.

750. I mean, are there many Scotch paupers?—Very few.

751. Have you had many removals of Scotch paupers this last twelvemonth?—We have had a good many boys, who came up from Edinburgh, stating that they came to get ships at Newcastle; and we have had some girls.

752. You stated that there was a considerable reluctance on the part of the Irish poor to be removed; do you find the same reluctance on the part of the Scotch poor that you have to remove?—We do not; we have found it in some instances, but those are exceptional, not general.

753. In removing to Ireland, you stated, that some went by way of Glasgow?—Yes.

754. Is that the nearest route to Belfast?—No, that was not to Belfast; that was when the regulations directed us to ship them at Glasgow to the port of Derry.

755. Mr. *Ingham.*] I believe your parish of All Saints includes that district of Newcastle which is most largely inhabited by necessitous people?—It does.

756. Therefore, although yours is only one of the parishes, you, perhaps, have a larger experience than the officers of any other parish of the habits of the Irish persons who are in the class of labourers?—Yes.

757. I think the explosion which took place had the greatest of its wreck within your parish?—Yes.

758. Did that at all cause, do you think, the increase of Scotch and Irish pauperism which you spoke of in the course of the last year?—No, there were not many; they have been provided for by a private subscription; they have all been relieved out of the Fire Fund, as it is called.

759. *Chairman.*] Is yours a river-side parish?—It is a river-side parish, extending about three miles by the side of the river.

760. Mr. *Maguire.*] When you have determined to remove a pauper, what time do you keep that pauper in the house before removal, when the order has been made out?—It would depend upon the number that we had. I should not think of incurring the expense of going to Whitehaven, or any other place, with a single family; I should probably let them remain till two or three more made an application.

761. Would you keep them a week or a fortnight?—It might be a month.

762. You remove them in winter, I suppose, as well as in summer?—We never remove them when the weather is severe.

763. Do you remove in the winter months?—If it is open, fine winter weather; but not during stormy weather. We should not think of removing poor people then.

764. But do you remove in winter, as well as at any other time, when a case comes before you?—Yes.

Mr. *William Wilson* called in; and Examined.

Mr. *W. Wilson.*

765. *Chairman.*] I BELIEVE you reside at Whitehaven?—I do.

766. Have you been a guardian of the poor there for any length of time?—I have been a guardian for 13 years; ever since the union there was established, with the exception, I think, of three years.

767. I believe you withdrew from office about a year ago?—I withdrew at the end of the year 1853-54; at Lady-day 1854.

768. During that time, have you had opportunities of observing the Irish pauperism in the Whitehaven Union?—I have.

769. I believe you paid particular attention to the subject?—I did; to all the business of the union, in fact. During the time I was guardian, I think I was not absent a dozen times.

770. What is about the population of the Whitehaven Union?—I cannot speak expressly as to the union, but the two most important townships have a population of about 20,000. With these I am most intimately acquainted; and the other population may be about as much more.

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771. Which are the two townships that you speak of?—Whitehaven and Preston quarter; they are adjoining; they are part of our Parliamentary borough and quite contiguous to each other; a stranger could not tell the difference.

772. Then, I suppose, there is a rural district which forms a part of the union?—Yes; I suppose the district will extend 20 miles in length, and about 8 or 10 in breath, in some places.

773. Can you give the Committee information as to the number of removals of Irish paupers from the Whitehaven Union for some years past?—I can; in the year 1847, there were seven; in 1850, there were none; in 1851, one; in 1852, four; in 1853, eight; none to Scotland; two to the Isle of Man. In 1854, seven Irish. They are very small in number; and, in addition to these, I may state, that there have been a few cases of voluntary removal where the guardians have assisted parties when they wished to go over to Ireland, and the guardians were satisfied as to their destitution without going before the magistrates, they have given them some little relief to carry them over, but those were parties wishing to go.

774. What was the description of the other cases, where the guardians applied for orders of removal?—I cannot sufficiently state; but they were parties who had been some time destitute, and had no prospect of getting employment. They were all such cases.

775. Where a person had been resident a considerable time, though not for five years, and there was a fair prospect of his getting employment, would you, in that case, have applied for an order of removal?—No; if there was any prospect of getting employment, no order would be applied for at all.

776. To whom is the application made; to two county magistrates?—To the magistrates sitting in petty sessions.

777. In open court?—In open court always.

778. And is the whole proceeding open?—Quite open, and the removal is granted on the oath of the pauper.

779. Has the pauper a full opportunity of understanding what is going on?—A perfect opportunity.

780. Have you had any removals to Scotland?—Not one removal to Scotland, nor any from Scotland that I know of.

781. To your union?—To our union.

782. Have you any statement of the number of vagrants for some years past?—I have.

783. With reference, I suppose, to your union?—To our own union. In the year ending Lady-day 1847 there were 684 vagrants relieved in the house; but I may state that the kind of relief was that they merely had a lodging for the night and left in the morning, after they had got their breakfast.

784. Are these what we called tramps?—Yes; of the 684 there were 127 English, 404 Irish, and 111 Scotch; after that period a change was made in the system; previously they had just gone to the relieving officer and got a ticket from him for a night's lodging; after that we appointed the superintendent of police assisting relieving officer, and he took applications for all those cases, and we found that that had a very good effect; we had another system also adopted, of not giving them any food in the morning until they had broken a sufficient quantity of stones to pay for that food.

785. Performing a task of work?—Yes; the two systems together reduced the number very much; they reduced the English about one-half; from 127 to 56 in 1852; the Irish were reduced in the first year, from 404 to 65; the Scotch from 111 to 19; in the year 1853 there were 46 English, 30 Irish, and nine Scotch; in the year 1854 there were 61 English, 49 Irish, and 20 Scotch.

786. During these last two years you had the combined system in operation which you have described, namely, the police officer as your assistant relieving officer, and the task of work?—Yes.

787. Have you had means of observing in what condition many of the Irish land at Whitehaven?—Many of them land in a very destitute condition.

788. Do you mean altogether without means?—Altogether without means.

789. Then what do they do when they land?—I have known them come from the packet to the Board of Guardians, when the Board happened to be sitting, to apply for relief; I have known cases of that description.

790. Have they been questioned about it at the Board?—Yes.

791. What

791. What account have they given of it?—They have usually stated that they have come to seek for work.

792. Have you had any means of judging of the genuineness of that representation in any cases?—We have had proof when they have come immediately from the packet that they could not have applied for work; they could not have had the opportunity.

793. What has become of them then when they have come to England?—A great deal has depended upon the case of the individual, but if they were in a condition to work we have generally offered them stone-breaking.

794. You have a workhouse?—We have two.

795. Can you give us the number of paupers relieved in your workhouse, or out of your workhouse, for the last year, or the last year that you were in office?—I cannot give the number.

796. How many will your workhouses hold?—I think, the two together, about 350. I can give the number of out-door paupers for the township of Whitehaven separately, for one quarter of last year; there were 866. I should think that the number of out-door paupers might be from 1,000 to 1,200, upon the average.

797. Do they remain with you, or do they pass through Whitehaven and go elsewhere?—A great number pass through.

798. Do you know to what places they chiefly go?—They go in all directions; many of them go forward to Carlisle, and some will go to the south from us.

799. I believe yours is the shortest passage across from Ireland?—It is the shortest on the English side.

800. What is the nearest point?—Belfast is the nearest point that we have much communication with; we have communication by steam-packet with Dublin also once a week, but then that is a considerable distance.

801. Have you communication of any kind with the other ports of Ireland?—With a great many small ports we have communication by sailing vessels.

802. How is it with Cork?—We have none.

803. Have you any with Limerick?—No, we are too distant from those places.

804. Have you formed an opinion as to how far you could safely abolish the power of removal of the Irish paupers in Ireland?—I think it would be unsafe to abolish that power altogether.

805. Will you state the grounds of that belief?—I found that belief on my past experience as to the effect of the passing of the Act of 9 & 10 Vict.

806. That is the Irremovable Act?—That is the Irremovable Act.

807. What was your experience of that?—That immediately after the passing of that Act we had a very great number of applications for relief, which we were obliged to attend to, and it considerably increased our rates; I may state that there was an increase with respect to the English as well as the Irish paupers; before the passing of that Act, our average expenditure for the township of Whitehaven alone, for out-door relief, was nearly 1,400 *l.* I do not speak of the union now. After the passing of that Act the average has been upwards of 1,800 *l.* The charges upon the common fund, which are for the irremovable poor, have been for the whole union, on an average of seven years, 602 *l.*, and of that Whitehaven pays one-half.

808. Was the result this, that persons who had been maintaining themselves by independent labour before that time, ceased to do so when they found that they had become irremovable?—They had barely maintained themselves I think; they had done sufficient to eke out an existence, and they did not apply to the parish, because of the power of removal; as soon as that power ceased, they immediately made application.

809. Do you conceive that that evil would show itself in a much greater degree if the power of removal were taken away altogether?—I do; I think it would show itself to a much greater extent; I may state that the number who received out-door relief in the quarter ending 25th December last on the common fund, was 409 in one district of the Whitehaven Union; that is the Whitehaven District; of these, 230 were Irish, six Manx, and 173 English, together 409; and the number of paupers settled in Whitehaven, was 457, so that the number irremovable nearly equalled the number settled, and of the settled too, a great number are Irish.

810. In what way have the Irish, who have remained in Whitehaven, generally occupied themselves, in what kind of work?—They are generally labourers; there

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there are not many who are mechanics, and not many rise to the rank of shopkeepers.

811. You have extensive coal-pits I believe; do many of them go into the coal-pits?—A good number are engaged in the coal-pits; I should think that more than half of the persons employed in the coal mines are Irish.

812. Have you made any observations with respect to the character of the class of poor Irish in your union?—I think that they are generally more improvident, more given to intoxication than the same class of English labourers are; I state that from my own observation.

813. Do you mean by "improvident," that they do not lay up at all; so that when there comes a stoppage of work or a temporary illness they must immediately have recourse to the parish?—Yes.

814. Do you think that that has shown itself more in the Irish than in the English?—I think so.

815. How is it with regard to the Scotch?—The class of Scotch that we have is rather different, we have not many that come to us of the very poorest class.

816. You have formed no opinion about them, probably, in that respect?—I should say, from the little experience which I have had, that the Scotch are rather more provident from what I do know of those who are there.

817. Have you any observation to make to the Committee further than you have made as to the description of persons who come from Ireland, professing to seek employment in this country?—A great many come, I believe, with the object of getting employment, and on the other hand there are many who come just for tramping about, without any wish to work much.

818. Do you think that retaining the power of removal is a valuable check as far as that latter class is concerned?—I think so; I should say the power of removal was desirable for those who have not had an industrial residence for some time.

819. Have you considered the question as to whether you can suggest any improvements in the existing law?—I think that it might be advantageous, perhaps, to lessen the time.

820. In what way; do you think that what was pointed out by Mr. Grey, who preceded you, is a reasonable suggestion?—Yes; I think it is very reasonable.

821. You would not go below three years?—I think where a person seems to be settled down and has really been industrious, and is a useful member of the community, as all labourers are, two years residence might be sufficient.

822. If you had to advise upon the subject, what should you say as to the step which the Legislature should take?—I would not go to less, certainly.

823. As between two years and three, which of the two should you prefer, if you had to fix the period, having regard to justice to all parties?—If a person has been resident with the whole of his family in a district for two years, and really shows that he wishes to do his work and maintain his family, I think two years should be sufficient; that is my impression.

824. What do you say upon the other subject, namely the area?—I quite agree with Mr. Grey, and would adopt a union residence as the area; at the same time I should like to have a union rating not according to the present average system.

825. What would you then suggest; would you take the actual value?—The actual rateable value; because I think the country parishes in many instances have the value of the labour, and the parties are thrown into the town for residences, besides that there is a union representation; a person who represents a small parish has an equal vote with a person who represents a parish of 20,000.

826. Would you think it the fairest system of all to have the area the union; the period of residence three or two years, and a union rating, that rating to be upon the rateable value of the union, upon the same scale throughout?—Yes.

827. Treating the union in fact for that purpose as if it were one parish?—Just so; I have known cases of very great hardship from a person who had resided nearly the whole of his life in the township adjoining ours, coming into Whitehaven, and thus being rendered liable to removal. I think that that is a case of very great hardship, and ought to be done away with.

828. Have you had any means of judging how far the Irish prefer, or otherwise, your system of treating the poor to that in their own country?—I think they prefer remaining in England.

829. Why?

829. Why?—I have sometimes told the paupers, when I have advised them to go to their own country, that they had poor relief there as well as in England, but they still have objected to go; they have said, "No, that they prefer remaining in England." I apprehend, that the relief which they get in Ireland is not so substantial as it is in England.

830. You do not perhaps know anything about that question, of your own knowledge?—I do not know it myself.

831. Mr. *Grogan.*] In reference to the answer which you have just given, that those Irish who came under your notice preferred remaining in England to returning to Ireland, were those parties who were in receipt of out-door relief with you?—Yes, both out-door relief and who have had in-door relief offered.

832. You conceive that they prefer to remain with you as in-door paupers to returning to Ireland generally?—I do.

833. I understood you to say, that Whitehaven was the nearest English port to Belfast?—Yes.

834. I suppose a considerable number of Irish pass through it, they land on your quays and pass on into the country?—Great numbers do.

835. When you said that a considerable number applied for a night's lodging and breakfast in the morning, were those parties who professed to have come to England in search of work and merely took the accommodation of a night's lodging with you?—No; these were parties, generally not coming over from Ireland, but rambling about the country.

836. Regular trampers?—Regular trampers; vagrants.

837. Can you state the number of Irish that are in Whitehaven at present?—Taking the two townships together, I should think there may be, perhaps, 5,000 or 6,000.

838. They are principally engaged in the coal-pits, I suppose?—Yes, and in labour of various descriptions, as mason's labourers and plasterer's labourers, and working about the piers.

839. When you find it necessary to remove an Irish pauper, there is a regular printed form for the questions which the magistrates put, is there not?—That does not come under my department of the poor law business; it is the overseer's department altogether.

840. *Chairman.*] I suppose you give directions when an application is to be made, and then the overseer applies?—When we relieve an Irish pauper, or in fact any other pauper, we always request the relieving officer to give notice to the overseer of the parish on which that pauper is chargeable, and also to say whether the party is removable or not. We do not positively insist upon the overseers removing, but leave it to their discretion.

841. You could not legally do that?—No, we could not do it, and therefore we do not interfere; it is not a part of our business; we merely sit as a board of relief, and to consider whether the case is destitute or not.

842. Mr. *Grogan.*] You stated that when the Irremovable Act was passed a few years ago, there was a very great increase in your expenditure, from 1,400*l.* to 1,800*l.*?—Yes, that is the average of the seven years.

843. Are you able to say by what class of paupers that increase was principally occasioned?—By parties who had been barely making a subsistence before, and who did not apply to the parish on account of not wishing to remove; and when this new law was enacted they could not be removed, and they applied.

844. You never offered them the poor-house, did you?—It always depended upon the circumstances of the family; if the family was small we would offer the workhouse, but in the case of a large family some guardians are so much afraid of expense in offering the workhouse, that they would give them out-door relief.

845. Would you be able to say, that of those numbers which led to that increase, any remarkable proportion were Irish, English or Scotch, or of what countrymen should you say they principally consisted?—Fully one half would be Irish.

846. Of those who occasioned that increase?—Yes.

847. The number of Irish removals are very few?—Very small indeed; there is no disposition to remove the Irish more than the English.

848. Have you ever had any complaints from any of the Irish Unions, with regard to parties who were removed, as they considered illegally?—We have never had a complaint from Ireland.

Mr. *W. Wilson.*

15 March 1855.

849. Mr. *De Vere.*] You have spoken of parties who go tramping about, without any great wish to work?—Yes.

850. How do they support themselves?—I presume that many of them beg about the country, indeed I have seen some of them begging.

851. Could not they be disposed of by the vagrant law?—It is very difficult to do so, especially in rural districts where they chiefly beg; they dare not beg where there is an active police, and they come into the towns in the nights.

852. You mentioned that some parties applied at once for relief, after coming from the steam-packet?—Yes.

853. When they applied for relief did they state that they were seeking for work?—Yes.

854. Did they apply for permanent or for temporary relief?—We did not ask them the question; if they came and asked for relief, we had to take their immediate circumstances into consideration, not what they might be in future.

855. You have no reason for classifying them, under either of the classes which you have mentioned, either as industrious men, willing to work, or as idle tramps; you cannot say which they were?—I should take them as persons not wishing to get work, from the very fact of their making application immediately upon their landing.

856. Would that prove anything but their poverty; would it prove their inclination?—Yes, I think it would.

857. Will you explain how?—They could not have been in very great poverty, because they must have paid their passage, and we may suppose that they would have had sufficient to have given them a night's lodging to go in search of work; indeed, it is in the daytime frequently.

858. If they were very poor persons who had paid their passage, would not that be rather a reason for supposing that they would be destitute?—I should draw the contrary inference; it is only inferences that we can draw from such circumstances.

859. Then your reason for thinking that those parties were not industrious men was, because they had paid their passage?—No; but because they had immediately applied for relief before seeking for work.

860. Supposing their means to have been exhausted by the payment of their passages, would you then be of opinion that their applying for relief was a proof that they were disinclined for industrious employment?—Yes. I think that in the first instance they would have applied for the work before they came to the relieving officer or the Board of Guardians, if they were really industrious.

861. Where would they be likely to get work; supposing a poor man came on the quay with his family willing to work, but with nothing in his pocket, where would he apply for work with any prospect of success?—They generally have a large number of their countrymen to whom they can apply to direct them where work may be found.

862. Am I right in supposing that they could not get work immediately upon their landing; that it might require the delay of a day, or two days, or of a few hours; that some time would necessarily elapse?—I think that a man who has not a disposition to apply for parochial relief will allow that to be the last extremity, and that he will exhaust all his means, and all his powers of obtaining work before he comes to that.

863. Supposing a man to land without a penny in his pocket, but with a determination to work as an industrious man, would he not first apply for some parochial relief to relieve his present necessity before he sought for work?—I should answer that question by saying, that if the man was in those circumstances he ought not to have left his own country and expended all his resources in coming across to England.

864. Mr. *Maguire.*] Do you remember the time when the Irremovable Act became the law of the land?—Yes.

865. Was it brought as a matter for consideration or discussion before your Board after it had been passed?—We acted upon it; we had no discussion upon it, because we had no discretion.

866. Did you give the Irish the benefit of it at once?—Of course we did; we made no difference.

867. You had no doubt upon the matter?—No.

868. Why, had you no doubt upon it?—Because we considered that every poor

poor person, wherever he belonged to, if he had been resident five years, was irremovable; that was our impression.

869. In fact, the matter was so clear, that you had no possible doubt upon the subject?—Not the least. I do not know the words of the Act, but I think they do not mention the Irish. We had not the smallest doubt; I do not know how we could have.

870. Did you ever hear, that in any adjoining parishes or unions there was a doubt entertained, and practically entertained, upon the matter?—I never heard of it until I was in this room to-day.

871. I did not quite understand you when you were describing the manner in which you had reduced the number of applicants, on a particular occasion, from 404 to 65; will you describe what that process was?—We appointed the superintendent of police as assistant relieving officer, and all cases that applied to the other relieving officer as tramps were sent to him; and he, before giving them any ticket, searched them. When they found that they were searched, those who really had anything ceased to go to him; those who could impose upon the other, could not impose upon the superintendent.

872. Then you consider that, as I also consider it, most successful?—I do.

873. That reduced the number to between one-sixth and one-seventh?—Yes; but you will observe that we did not reduce the English so much; there had not been so many attempts at imposition.

874. If you adopted that as an auxiliary test to the workhouse, would you not find it very efficacious?—No; I do not think it would have the same effect as the workhouse.

875. Why not?—Because, if persons went into the workhouse, anything that they might have upon them would be found out. It is not necessary as a test; but I have known parties even leave their property outside the workhouse, and go into it.

876. I think that you said that you gave those persons some description of labour to perform?—Yes, in addition to that test: we gave them the breaking of stones to earn sufficient to find them food for their breakfast.

877. Suppose you had sufficient workhouse accommodation, and that a number of Irish applied, and you subjected them to this test, do not you think it would very much diminish the number of applications?—It might perhaps have some effect in reducing them.

878. Do not you think it would have a very material effect?—I do not know; I cannot say; we have not adopted it; it might.

879. Was not it very efficacious in that instance, reducing the number to one-seventh?—Yes, employing the policeman.

880. Was not the principal test the labour test?—No; I think the police test was just as operative, or more so.

881. You say that 404 persons came into the house?—Yes, but that was before either test.

882. That number then became reduced to 65, in consequence of this double test, namely, searching and labour?—Yes.

883. If you had sufficient workhouse accommodation, and admitted the Irish into your house, and submitted them to this rigid and unpleasant labour test, do not you think it would have a very material effect in diminishing the number of applicants?—It might have some.

884. Can you say, of your own knowledge, that you believe that the Irish desire to go into the workhouse generally?—I do not believe any person does, either Irish or English.

885. Have you not found in your experience, and from conversing with the persons themselves, that the Irish are naturally more averse to it than the English?—Perhaps they may be; they are of more roving habits.

886. Do you generally find, that people of roving habits dislike workhouse restraint?—Yes.

887. More than a person of fixed or sedentary habits, and of a more quiet temperament?—Yes.

Lunæ, 19° *die Martii*, 1855.

MEMBERS PRESENT.

Mr. Baines.
Mr. Ingham.
Mr. Locke King.
Mr. Dunlop.
Mr. Archibald Hastie.
Sir Robert Ferguson.
Mr. Maguire.
Mr. De Vere.
Lord Naas.
Mr. Alexander Hastie.
Mr. Grogan.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Joseph Ellison, Esq., further Examined.

J. Ellison, Esq.

19 March 1855.

888. *Chairman.*] ARE you desirous of making any addition to the evidence which you gave last Monday before this Committee?—Yes; if the Committee will allow me I shall be very glad to do so; I wish to state both sides of the question. I think I omitted to state some things which I consider favourable to the Irish; therefore I will commence with that. I will say that during the 15 years for which I employed the Irish in harvest-work, namely, in hay-making chiefly, they lodged in my stable; that stable was upon the mill premises; I am a mill-owner; I was then a manufacturer; I have now retired from business pursuits; the stable was not only on the mill premises, but was in the mill-yard. During the whole of the 15 years that we employed the men, there was one man of the name of Michael who came the whole time; he was a remarkably steady man, and a very good workman, and we appointed this man captain of the gang. During the whole of those 15 years, I am sure I have very great pleasure in saying that I do not recollect a single instance of disorder, or one single act of dishonesty; we had that confidence in them, that we really thought, upon the whole, they were rather a safeguard to the premises than the contrary; I have very great pleasure in stating that fact.

889. Mr. *Maguire.*] What was the average number that you employed?—Perhaps the number averaged about a dozen annually.

890. *Chairman.*] Is there anything else which you wish to add?—Yes; the next thing which I would wish to state to the Committee is, as to the falling off in the numbers of Irish who visited this country last year and the year preceding, as contrasted with the numbers that came, I will say, 10, 15, or 20 years ago. I will take the maximum when I consider that the greatest number came, and I should fix upon about 1840 and 1842; then they certainly came in such numbers, that we had a superabundance of labour. A great many of those poor fellows could not get work, and, of course, they were maintained mainly by their own countrymen who did get work. There is another thing in connexion with them which I wish to state, which I think is very important. A great number of the married men bring their wives and children with them; but when they get to Liverpool, they leave them there; they do not bring them on; in the first instance, we find nothing but men, but, of course, the women and children know where the men are likely to get work, and after a while they follow, and they beg their way, and maintain themselves the whole of the journey by begging. And they do more than that; for, when they have found where their friends are at work, they spread themselves all over the surrounding country, and they beg during the whole time that their husbands are working. Now, in one or two instances men became ill, and we were obliged to relieve them. We discovered that these women absolutely begged more in food, money and clothes than maintained both themselves and their children and their husbands; that a great many of those men who came over to harvest in this country

country took every shilling of their earnings back again, and I believe that some of them absolutely took more. As to the falling off in the numbers, I took a good deal of pains last summer; I knew that your Committee was sitting. When I went into Yorkshire, in the month of June, just when the Irish were coming, I met many of the first freights upon the road. I asked them what they thought of the falling off; they could not give me any very distinct idea, but I should say, from what they said, that their statement would amount to at least 50 per cent. I was not content with that, but, in addition to my own observation, I inquired of a great many farmers who had been in the habit of employing them for years. The adjoining township belongs to Lord Scarborough, and is entirely agricultural. I know many of those farmers personally, and I made it a point of inquiry of nearly the whole of them, and their opinion was, that the falling off amounted to something like 75 per cent.; they were certain that it was more than 50 per cent. Now, coupled with what the Irish told me themselves with my own observation, and with the information derived from the farmers in the adjoining townships and in our own neighbourhood, I really think the falling off may be computed at something like 60 per cent., certainly more than 50 per cent.; and a great many men, who have employed them long and regularly, say 75 per cent. Last season they were so very scarce, (and they were rather later when they came) that labour was very scarce in the market when they got here—and they are sharp enough in those matters: they asked absolutely the same rate of wages as what we give an able-bodied English labourer for hay-making. The rate of wages for the last quarter of a century has been half-a-crown a day and drinkings. Drinkings consist of a pint of beer in the morning, with perhaps a little bacon or meat, and a pint of beer in the afternoon, with cheese and bread. That is the regular rate of wages for hay-making, and has been for 30 or 40 years as regards English labourers. Now these Irish, finding that labour was very scarce in the market, asked the same rate of wages, half-a-crown a day. The labour was so very scarce, that I know that one man, a small farmer, a neighbour of mine of the name of John Bell, a very honest plain man, waited weeks till the grass got quite ripe, and they did not come as they had done; then he cut it. Two likely young fellows came at last, and he agreed at once to give them the same rate of wages as he had given the English, half-a-crown a day and drinkings; they did the first day's work, and they had the same rations as the English, and he told them that they might sleep in his barn if they liked in addition. When they had done the day's work, they came to his residence, and they asked for their supper. "Oh," he said, "we do not give suppers to our English labourers; you shall have exactly the same;" but they said, "Master, we will have supper; we will have some beef and potatoes." Then he said, "I tell you you will not get it here." He is a John Bull man; he threw them down each half-a-crown, and said, "If that be the case, go about your business: I will give you the same rate of wages, but I will not be imposed upon; I will not give more." I merely mention that to show their spirit, that when they discovered that labour was very scarce, they would have a good price.

891. Have you anything further to state?—Yes; I very much wish to state what, in my opinion (and I have no doubt of it at all), is the cause of the falling off, which I did not state before the Committee the other day; I simply stated what the first gang that I met said was the reason, which I considered a very absurd reason, and which I have no occasion to repeat; but there is no doubt at all what is the cause; and the first cause I should say was the great number that were taken off by the famine in 1847; the next cause is, what many of them told me, that things are better at home; they said, "There is more work at home, and we are getting rather better wages." I asked this question of the very next gang, "Can you get as good a rate of wages in Ireland as you can in England?" "No, master; if we could do that, we should not come here"—a very sensible and a very proper answer; but they admitted that things were better. The third cause is emigration on so large a scale to America; I think I scarcely ever asked an Irishman that we employed what part of Ireland he came from but he always said, "Mayo, your honour." I do not know how it happens, but I suppose they may possibly like our part of the world; they find things more comfortable, no doubt.

892. Is there anything else which you wish to state?—I now come to the

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dark side of the picture, but I think it is a thing which you ought to know; the dark side is this; there are two colonies of Irish who have settled down in the Dewsbury Union, one at Birstall, amounting to about 700; another at Batley, amounting to, I believe, 1,500; we have between 2,000 and 3,000 in the whole. Now the misfortune is, that the wives and children of those Irish who are settled down with us spread themselves out over the whole union as beggars, and of course vagrants, and they certainly are the cleverest set of beggars that ever spread themselves over a country; quite incorrigible; our vagrant laws, as I told you, are a perfectly dead letter, and they beg such a quantity of food, that I do not think they can consume half of it; then what do they do with the surplus? They sell it to parties for the purpose of feeding pigs, and there are parties who visit those Irish quarters regularly, perhaps, once or twice a week, for the purpose of buying up all their surplusage which they have begged during the week. The price which they give for it is 6*d.* per strike. Now I have made a calculation, and I am quite sure that that food costs the parties who give it not less than 5*s.* a strike; here you have a dead waste of 4*s.* 6*d.* out of 5*s.* That practice is perfectly notorious. The assistant overseer whom I sent round to take the enumeration saw it; he saw the broken victuals before they were sold; he saw the broken victuals after they were sold, asked for the price, and gave me the names of the parties who bought them. Now the only way in which you can put a stop to that practice is, as I stated before, to appoint an officer specially in each union to enforce the vagrant law; that is the only remedy, and that inveterate habit of begging is the monster evil consequent upon colonies of Irish settling down in this country. I think that is the whole that I wished to say; I shall be very glad to answer any questions if any Member would like to ask me any.

Edward Willoby, Esq., called in; and Examined.

E. Willoby, Esq.

893. *Chairman.*] I BELIEVE you are a solicitor at Berwick-upon-Tweed?—I am.

894. And have been clerk to the guardians of that union ever since its establishment?—I have.

895. Have you been the acting clerk during that time?—I have.

896. Do you also fill the office of clerk to the justices for the borough of Berwick-upon-Tweed, and for the adjoining district of Norham and Islandshire?—I do.

897. You have filled that office, I believe, for many years?—Yes, as many years as I have been clerk to the guardians.

898. Besides that, I believe you have been concerned professionally for various parishes upon matters arising within those parishes connected with the removal of paupers?—I have.

899. Both to Scotland and Ireland?—Yes; in both these offices I am joined with Mr. Willoby, my father, but I have had the greatest part of the management.

900. You have been at least as active as your father?—More so.

901. Mr. *Ingham.*] Your father is considerably advanced in life, is he not?—He is in his 81st year.

902. *Chairman.*] Your attention has been drawn, I believe, to the two Acts of Parliament, upon which we are particularly inquiring?—Yes.

903. First, with regard to the 8th & 9th Vict. c. 117, which is the one, as you remember, regulating the removal of Irish and Scotch paupers from England; you are aware that one subject of our inquiry is, to investigate the operation of that Act?—I am.

904. Can you favour the Committee with any information upon that subject?—I would beg leave to draw the attention of the Committee, in the first instance, to the operation of the Act itself, wherein power was given to remove any person born in Scotland, not settled in England, who should become chargeable.

905. Is that by the second section of the Act?—It is: "by reason of relief shall be given to himself or to his wife, such person shall be liable to be removed." I would draw the attention of the Committee to this fact, that the operation of that Act is rendered partially inoperative as between England and Scotland, because if the pauper happens to be an able-bodied man, being chargeable in England in consequence of a want of work, there is a power to remove him to Scotland;

Scotland; the law of Scotland, however, of which I believe there is no doubt, is that no able-bodied man shall be entitled to relief. I have made removals to several places in Scotland; I will give you two instances; one was of an able-bodied man with a wife and family, who became chargeable to Berwick; he swore that he was a native of Cupar, in Fife; the order was granted; the removal was made; he was taken to Cupar; he got relief for a short time; the relief was then refused; he and his wife and family found their way back to Berwick, and again became chargeable. I think I should read to you the letter of the inspector of poor of the parish of Cupar: "I received your letter of the 2d instant; I am desired by our parochial Board to decline to admit our liability, and to inform you, that when Flaningham and his family were left here, I gave them relief, but I afterwards declined to give them any, on the ground that he was able-bodied; I gave a written answer to that effect, and Flaningham then employed the agent for the poor here, who made application to the Sheriff, producing my written reasons for refusing relief, and the Sheriff having considered the case, and having heard parties, allowed the agent for the poor to produce medical evidence, if he could, of Flaningham's not being able-bodied, but refused to grant interim relief; meantime the Flaninghams disappeared, and I have not seen them since."

906. Mr. *Grogan.*] What is the date of the letter?—March 1854.

907. Mr. *Archibald Hastie.*] Was he a Scotchman?—Yes.

908. What was his name?—Flaningham; it is an Irish name; he was one of a family of tramping Irish, and there is no doubt of his having been born in Cupar, in Fife. I will give another instance. It is the case of a married woman, she being a native of Scotland, and her husband a native of Scotland; they had quarrelled from some cause or another (I do not know why), and had not lived together for many years; she became chargeable to Berwick; she was taken before the justices, and swore that the place of her birth was a parish of the name of Hutton, in Berwickshire; she was removed there; the authorities of Hutton made inquiries, and finding that she had a husband, they removed her to his place of birth, a parish of the name of Dunse, in Berwickshire; the authorities of Dunse granted her a few weeks' allowance, sent her to Berwick, and in a few weeks she again became chargeable, on the ground, as stated by the inspector of the poor of Dunse, that her husband was an able-bodied man, and in consequence not entitled to relief, it being held, that although she was not able-bodied, his circumstances governed hers, and she was refused relief; she returned to Berwick, became chargeable, and there died. I think the operation of this Act, empowering removals from England to Scotland, is still further limited by the operation of the Irremovable Act, the 9th & 10th Victoria, c. 66, s. 1, by which it has been held, that Scotchmen, as well as Irishmen, after a continuous residence of five years in one parish, are irremovable.

909. *Chairman.*] Is that the construction which you have always put upon it?—Yes.

910. What were you going to observe with respect to this point?—I was going to observe, that there is no mutuality between Scotland or Ireland and England; a pauper of England cannot become entitled to any such irremovability as a Scotchman can in England.

911. An English pauper in Scotland, you mean?—Yes.

912. He does not become entitled to the same privilege as a Scotch pauper in England?—That is what I mean to say. We have not felt that so much with regard to the natives of Scotland as we have done with Irish people. That Act has been severely felt in our union by a very low class of Irish coming to reside there; they are perfectly well aware of the operation of this Act. They live I can scarcely tell you how for the five years, and then they become most clamorous for relief.

913. They keep off the rates for five years?—They are resident for five years, and keep off the rates.

914. Otherwise they are not irremovable?—It is simply excluded in the computation of time; it does not destroy the previous time; therefore, if a man can contrive to remain five years continuously in a parish, he becomes irremovable. I have seen a great deal of these people; there is abundance of work; but the moment sickness attacks the wife, or any member of the family, they are most clamorous in their applications for relief; they seem to lay by nothing. Cases frequently happen, where, in the case of a death in a family, there is nothing to

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bury the child, or the member of the family who has died. The same thing takes place in the confinements of the wives; there is nothing to pay a doctor; consequently our medical officer must attend, and he finds their dwellings and habits in such a filthy state as to be almost beyond description.

915. Do you speak of this as what you have seen in some few cases, or as the characteristic of the class?—Of that particular class; I do not mean to say that there are not many industrious hard-working people amongst them; but I speak of the low class of Irish who entitle themselves to this irremovability, and they are now in these circumstances.

916. About what numbers are there of that class?—They are very much decreased now; but in the course of last year I should say there were from 150 to 200 living in the most wretched dwellings that can be well imagined; before this class came into our town, these dwellings were inhabited by the humble class of our own workmen; but they contrived to keep their dwellings generally in good repair; whether it is that the Irish ousted the English labourers, and then the landlord, not getting his rent, refused to repair, I do not know, but certainly it is a disgrace to any town to witness these dwellings: Mr. Rawlinson, the surveyor, on surveying for the purpose of introducing the Act for cleansing and draining, and introducing the water, made a very able report upon the state of the town; I have it here.

917. Does he speak of the Irish particularly?—He obtained a report from the medical officer of the Berwick-upon-Tweed Board on that occasion, which I think shows the condition of that part of the town.

918. Is there any other point upon that head?—Not much upon that point; of course I may notice that the same right of irremovability applies to Scotchmen; I think that the laws by which a Scotchman and Irishman can obtain a settlement in England are very much in favour of natives of those countries as compared with the manner by which a native of England can acquire a settlement in Scotland; I take Scotland, because I really do not know the law of settlement of Ireland at all.

919. There is none?—There is none, I believe; by the 76th sect. of the 8th & 9th Vict. c. 83, there is the following enactment.

920. That is the Act regulating removals from Scotland, is it not?—Yes; and also the settlement. "That from and after the passing of this Act no person shall be held to have acquired a settlement in any parish or combination by residence therein, unless such persons shall have resided for five years continuously in such parish or combination, and shall have maintained himself without having recourse to common begging, either by himself or his family, and without having received or applied for parochial relief; and no person who shall have acquired a settlement by residence in any parish or combination shall be held to have retained such settlement, if during any subsequent period of five years he shall not have resided in such parish or combination continuously for at least one year;" so that, at all events, there is a continuous residence required for five years without having recourse to common begging, or having received or applied for parochial relief. I believe it has been held that any one of these Acts completely destroys any previous residence of the man, so that the five years must begin to run *de novo*. Again, to retain that settlement, he must not be absent from the parish for upwards of four years; if he is not resident in the parish for one of the five years immediately following the five years in which he has gained his settlement, it is gone; he does not retain it at all; so that there is a manifest difference and distinction between the settlement gained by a Scotchman in England, and that gained by an Englishman in Scotland. The Scotchman retains that settlement; he hands it down to his wife and children until they gain others; not so the Englishman in Scotland; he does not retain it at all; if he should be absent from the parish for four years and a month, the settlement is gone entirely; then there is a proviso at the end of that section which completely destroys all settlements gained previously to the passing of that Act, which was in August 1845.

921. Will you read it?—"Provided always, that nothing herein contained shall be held to affect those persons who, previous to the passing of this Act, shall have acquired a settlement by virtue of a residence of three years, and shall have become proper objects of parochial relief;" "shall have become," namely, at the passing of the Act; that is the construction which has been put upon the Act, and therefore, unless the party was in receipt of relief at the passing

passing of this Act, no settlement gained prior to August 1845 is retained by him; it is lost. Besides that, there are many other ways than one by which Scotchmen can gain settlements in England; all the usual modes by which natives of England can gain settlements in England are open to Scotchmen or Irishmen; not so in Scotland, because there is only one.

922. Am I right in this, that a Scotchman, or an Irishman, may obtain a settlement in England by any and every means by which an Englishman can obtain it, of course with the exception of birth?—Yes, of course; the Committee know that a settlement by hiring and service is abolished; but any of the usual modes by which an Englishman can acquire a settlement are open to a Scotchman or an Irishman.

923. You say, that that being the state of the law here, it puts a Scotchman in a more favourable situation in England than an Englishman is placed in in Scotland?—There is not the least doubt of it.

924. Will you proceed with any further observations which occur to you?—I think that the manner in which removals are made from England to Scotland is defective.

925. What have you observed upon that subject?—I have observed this; in the first place, the pauper is not to be taken direct to the place of settlement; it is sufficient to comply with the Act of Parliament if he is taken into Scotland.

926. Will you refer to the section which you are now speaking of in the 8th & 9th Victoria, c. 117?—If you look to the form of the order which is given, it is, "These are therefore to require you, the said ( ) to convey the said ( ) his wife and family aforesaid, to Scotland, in the manner directed by the regulations of the justices of the said county." The Committee are aware, that in every county in England they are bound to make, under this Act, regulations for the removal of paupers; it depends entirely upon the place of birth in which direction the pauper is to be removed; but it has been the practice, and I believe it is considered law, for the pauper simply to be taken to one of the places nearest the place of removal, not direct to the place of birth. I think that it would only be an act of humanity to the pauper in being removed to Scotland, to put him upon the footing of a removal in England, where the removing parish conveys the person direct to his parish, hands him over there to an authorised person, and relieves the pauper from the annoyance which it must be of being passed from parish to parish, as is the case in Scotland.

927. Supposing the law of removal to be retained, you would recommend that that alteration should be made?—I think so.

928. So as to assimilate the practice in the two classes of removals?—Yes; and I think it would obviate the inconvenience and hardships to parishes, if some previous notice were given to the parish to which the pauper is to be removed; in fact, to assimilate the law for the removal of poor persons from England to Scotland to that from one parish in England to another.

929. We require a notice of 21 days, do we not?—I do not see why there should not be some previous notice given to the Scotch parish of the intention to remove the pauper; it might have saved the expense of the two instances of removal which I have mentioned, because they had a good ground of appeal; they might have given notice to the removing parish that they were not liable to relieve the pauper, and therefore the parish in the Berwick-upon-Tweed Union would have been saved the expense of the removal, and of all proceedings under the removal, and it would have prevented the hardship to the paupers of being removed to a distant parish in Scotland, and finding their way back again as best they could.

930. Then that alteration in the law you would recommend?—I would; I would also point out that with an English parish relieving a poor person, a native of Scotland, who is receiving relief for a permanent sickness, we have no means of obtaining repayment of the relief so given, as is the case between English parishes, and I do not see why the same proceeding should not be had between a Scotch parish and an English parish for the repayment to the English parish, when relieving a person who cannot be removed on account of permanent sickness; of course the Committee are aware that you cannot remove a pauper from one parish to another, seeking relief for sickness, unless that relief is rendered necessary by sickness, which will produce permanent disability.

931. That is a provision, I believe, of what we call the Irremovable Act?—Yes.

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932. Would you recommend an assimilation of the practice of the two countries upon that point?—I would, and I think it might be perfectly well carried out; I do not see any difficulty in the matter.

933. In what way would you suggest the alteration to be made?—I should recommend that a notice be given to the parish in Scotland of the fact that a removal order has been granted, but that the execution of it is suspended, in consequence of the sickness of the pauper. From that period the relief would begin to run, which you were entitled to recover from the Scotch parish, and the recovery might be had before justices, or before one of the Small Debts Courts, which are very easy of access in Scotland, after notice given to the inspector of the poor; I suggest these things more out of humanity to the Scotch paupers than anything else, although, of course, it would be a relief also to the English parishes.

934. Will you proceed to any other point?—In the observations which I have made as to the able-bodied poor not being entitled to relief, I think the Committee will see (at least I am of that opinion), that it produces additional hardship upon the parishes in England, having to relieve poor persons who being natives of Scotland are not there entitled to relief; I think it is justice to the English parishes to say, that if relief to able-bodied men is legal, and must be given to destitute persons, natives of Scotland, there should be some power at all events to enforce the repayment of that relief from the Scotch parish; but as the law at present stands by the 68th section of the 8th & 9th Vict. c. 83, it is enacted, "that from and after the passing of this Act all assessments imposed and levied for the relief of the poor shall extend and be applicable to the relief of occasional as well as permanent poor: Provided always, that nothing herein contained shall be held to confer a right to demand relief on able-bodied persons out of employment." That is not the law in England; destitute persons in England are entitled to relief, no matter from what cause they become chargeable; I do not think at present that there is anything more under that branch which I can remark upon.

935. Will you proceed to any other branch of the subject?—If you please, we will now take removals from Scotland to England.

936. What occurs to you upon that subject; they are under the Act of the 8th & 9th Vict. c. 83, are they not?—Yes; the removals to England are regulated by the 77th section.

937. Will you read that section?—"That if any poor person born in England, Ireland, or the Isle of Man, and not having acquired a settlement in any parish or combination in Scotland, shall be in the course of receiving parochial relief in any parish or combination in Scotland, then and in such case it shall be lawful for the sheriff, or any two justices of the peace of the county in which such parish, or any portion thereof, is situate, and they are hereby authorised and required, upon complaint made by the inspector of the poor or other officer appointed by the parochial board of such parish or combination, that such poor person has become chargeable to such parish or combination by himself or his family, to cause such person to be brought before them, and to examine such person, or any witness, on oath, touching the place of the birth or last legal settlement of such person, and to take such other evidence or other measures as may by them be deemed necessary for ascertaining whether he has gained any settlement in Scotland; and if it shall be found by such sheriff or justices that the person so brought before them was born either in England or Ireland, or the Isle of Man, and has not gained any settlement in Scotland, and has actually become chargeable to the complaining parish or combination by himself or his family, then such sheriff or justices shall and they are hereby empowered, by an order of removal under their hands, which order may be drawn up in the form of the Schedule A., hereunto annexed, to cause such poor person, his wife, and such of his children as may not have gained a settlement in Scotland, to be removed, by sea or land, by and at the expense of the complaining parish, to England or Ireland, or the Isle of Man respectively, according as such poor person shall belong to England, Ireland, or the Isle of Man: Provided always, that no person shall be so removed until there has been obtained a certificate, on soul and conscience, by a regular medical practitioner, setting forth that the health of such person, his wife and children, as aforesaid, is such as to admit of such removal: Provided also, that nothing herein contained shall prevent any parochial board, or their inspector, from making arrangements for the due and proper

proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves."

938. What is the first observation which you wish to make upon that?—It is a general remark that that section has been found to work oppressively to a border parish, such as Berwick, and doubtless to many border parishes.

939. In what way?—In this way: the necessity is entailed upon the border parish of relieving themselves by ascertaining the actual settlement of the pauper; it is not contended for a moment that the border parish is liable at all as a place of settlement; it is simply that it is the nearest place in Scotland to where the pauper has been removed from, and there they put him down; many cases have occurred where natives of England have been sent into Berwick, and very great expense has been incurred in ascertaining their places of settlement. You will observe in the form given in the schedule, that the place of birth is not even mentioned; it is a simple adjudication.

940. That the party be conveyed to England?—Yes; the words are, "do order and adjudge" so-and-so, "who has become and is now actually chargeable to the parish of , to be removed, with his wife and his children, and conveyed to England." There is no direction where they are to be removed to, but they are to be removed to England.

941. And in this Act there is no such direction, I think, as there is in the 8th & 9th Vict. c. 117, about certain ports or places being marked out?—I am not aware that there is.

942. Then do you say that there are removals under this Act just across the border to you in Berwick, and that you find it a great hardship upon you?—Yes.

943. And that all parishes similarly situated find it a similar hardship?—I have not the least doubt of it. The paupers come into England, and it then devolves upon the parish authorities of Berwick to ascertain their settlement; if no settlement can be ascertained, as is very likely the case (at least it is not an improbability), they are fixed upon Berwick; supposing that we had even to remove upon a birth settlement, there are strict forms, according to the law of England, to be gone through; a pauper cannot be removed to the place of his birth upon his own evidence; you must obtain other, and the best evidence you can get, to entitle you to remove that person; so that even if you do discover a bare birth settlement, still considerable expense is incurred by the removing parish in obtaining that evidence.

944. Are these cases numerous?—They are not numerous; I will give you two instances.

945. Mr. *Alexander Hastie.*] Over what period?—I cannot say that they have occurred in great numbers, but they have occurred in such a way as to cause considerable dissatisfaction to the authorities of Berwick, in consequence of the expense.

946. Mr. *Grogan.*] Did those two cases occur in last year?—They did. One is rather a remarkable case, because it ended in the man's dying at Berwick, and an inquest being held upon him. I will, in the first instance, read the report of our medical officer of the workhouse, who brought the case under the notice of our guardians.

947. When was this?—January the 14th, 1854. "A man named Peter Catto, a native of the north of England, was brought into the union workhouse here under circumstances so particularly harsh and cruel, that I deem it my duty to acquaint you with the case, in order that it may meet with that investigation which it certainly calls for. The man was found by the police on the streets on the night of Wednesday last, between seven and eight o'clock, P. M., on which night the thermometer was 10° or 12° below the freezing point; when brought to the workhouse, he was speechless, and altogether in such state of exhaustion, as to render his recovery for some time very doubtful. The poor old man is in a far advanced stage of consumption, and so fearfully emaciated, that I conscientiously declare that I never saw one more so, and yet be alive. In this state was he removed from Edinburgh (from which place a removal order was found upon him, signed by two magistrates), and left on the streets by the person who brought him. I have no hesitation in saying, that had he been exposed to the cold for half an hour or an hour longer, the consequences would have been fatal. He is as yet so much exhausted, as scarcely to be able to give an account of himself; and I am very much afraid that the only place to which he will ever be fit

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to be removed will be to his grave." That was upon the 14th of January; he lived until the 27th of March in the workhouse of the Berwick Union, and then died; the coroner thought fit to hold an inquest upon his remains; the verdict was, "that he died from natural causes, but that his removal had been most improper and discreditable to the parochial authorities of the city parish of Edinburgh, whose duty it was to superintend and effect it." There was a very long correspondence between our union and this parish in Edinburgh, ending in no satisfactory result as far as we were concerned. We memorialized the Board of Supervision in Scotland. I have a copy of the memorial here, as well as their answer. These documents show the whole bearing of the case, and, with submission to the Committee, I should read them.

948. Mr. *Alexander Hastie.*] With whom is that correspondence?—The Board of Supervision were the body that we memorialized.

949. Who is the official?—Mr. Gregg I think is the name of the official with whom we corresponded. I think that the documents are very important, as showing the state of the law. I have also the observations of the parochial board in answer to this memorial of ours, and then comes the answer of the Board of Supervision upon the subject, all of which documents throw considerable light, at all events, upon the manner in which removals are made.

950. *Chairman.*] Are you prepared to hand in these documents?—Certainly.

951. Mr. *Dunlop.*] What is the date of the last communication from the Board of Supervision?—Fourteenth of August 1854; that is the answer of the Board of Supervision to our memorial after having received from the parochial board of Edinburgh their observations upon it.

952. *Chairman.*] What is the result of the investigation; does it appear?—No satisfaction to us; no relief in any one way.

953. Mr. *Maguire.*] What countryman was Catto?—An Englishman, no doubt. He was in that state, that from the day he was brought into Berwick to the day of his death, he never could give any information so as to enable myself, who was acting as justices' clerk, to obtain any light as to the removal order —[*The Witness delivered in the documents.*]—Another case very lately occurred in the parish of Edinburgh, where an able-bodied woman, with two children, natives of England, became chargeable, and the authorities availed themselves of the proviso at the end of the 77th section of the Act, and sent the woman to Berwick without any proceedings whatever being taken before a magistrate; of course they were enabled to do so; the words are, "Provided also, that nothing herein contained shall prevent any parochial board, or their inspector, from making arrangements for the due and proper removal of such poor persons either by land or water, provided the arrangement be made with the consent of such poor persons themselves." The Committee are well aware that in an English parish we do nothing of the kind; we cannot remove any one without having gone through certain forms as a safeguard to the parish, as well as to the pauper.

Vide Appendix.

954. *Chairman.*] Is there any other point upon which you wish to observe?—Yes; another case lately occurred of the removal of a woman who was stated to be a widow with one child; she was sent to Berwick in the same kind of way. Upon her being examined as to her marriage, and so on, it turned out that she was one of those unfortunate creatures upon whom either a trick had been played, or in some way no marriage had been solemnized at all. That leads me to remark also upon the very great hardship which we suffer by the irregular marriages which are now becoming most numerous and discreditable. We suffer very heavily indeed by these irregular marriages, by the great difficulty which there is of proving marriages when the parties become chargeable, as they too often do.

955. Have you now gone through the various observations which you propose to submit to the Committee with regard to the operation of these two Acts?—I would beg to suggest that certain forms be required to be pursued in making removals from Scotland to England, as in a case from England to Scotland.

956. What would you suggest?—I would suggest that a person be named to make the removal; the removal order is simply an order of removal to England.

957. Following the form in the schedule?—Yes, and that is strictly adhered to; there is no person named to make the removal; in making a removal from England to Scotland, the parties applying for the order are bound to name to the justices a person to make the removal, as the responsible party making it; there

there is also no place in the Scotch pass at which the party is to be delivered; there is no necessity to deliver the pauper to an authorised or responsible party, and that was the case with Catto; the law was held to have been complied with, when they put him down in the middle of the street. I would also remark that I do not see why a removal from Scotland to England should not be made to the place of birth, and not to the first parish in England to which the pauper comes; the place of birth is the *primâ facie* settlement, and it is much more proper that the removing parish should be at the expense of finding out another settlement, if the pauper has one, than that a border parish, as to whom there can be no pretence for saying that they are in any way chargeable with the relief of the person, should have thrown upon them the necessity of finding out the place of birth, or the place of settlement.

958. Then do you recommend that it should be the subject of inquiry before the sheriff or justices in Scotland what was the place of birth, and that they should adjudicate that that was the place of birth, and that then the removal should be made to that place?—Yes; I do not pretend for a moment to say that it should be incumbent upon the authorities of Scotland to find out the legal place of settlement according to the laws of England, although in the 77th section of the Act the words are in the alternative, "the place of the birth, or last legal settlement;" now I think that it would entail a very unfair burthen, which I could not well ask them to undertake, to require the Scotch parish or the Scotch justices to ascertain the place of settlement of an English pauper according to the laws of England, but I do not think there would be any hardship in asking them to ascertain the place of birth in England, and to remove the pauper direct to that place of birth; I think the 78th section would almost lead one to infer that this Act meant something of the kind, because it says, "that every officer, constable or other person to whom any such order of removal shall be delivered for the purpose of being carried into execution, shall and may, by virtue thereof, detain and hold in safe custody every poor person mentioned in any such order, until such poor person shall have arrived at the place to which he is ordered to be removed, and shall and may for that purpose in every county and place;" there is "place" specially mentioned, distinguishing it from "county," as if there were some place to be named; now in the order of removal there is no place mentioned at all; there is the country, but no place stated.

959. At the same time, you will observe, that the schedule at the end of the Act deals with it in precisely the same general manner, only mentioning a removal to England?—There is no doubt of it, and I think that is the unsatisfactory part of it; I do not see why a pauper, to be conveyed to the place of his birth, should not be so by the removing parish in Scotland; and he should be conveyed direct there, leaving it to the place of birth to relieve themselves from the liability to maintain that pauper, if they can find another settlement; if they cannot find another settlement, they are in just the same position as they would have been by the border parish in England not being able to find the place of settlement, and removing to the place of birth.

960. Mr. *Ingham.*] Do you say that the fact of a pauper not being able to prove his own place of birth, which, of course, he cannot do, engenders rather an intricate examination?—Yes.

961. Is it not more likely that the pauper should be able to prove his own settlement, of which he is a competent witness?—Yes; but I think you cannot very well expect that the justices in Scotland should sit in judgment upon a matter altogether of English law.

962. Except that in the one case they would be content with the witness before them, and in the other they must send for witnesses from England?—Yes; the Act seems almost to contemplate that, because it says that they are "to examine such person or any witness on oath touching the place of the birth, or last legal settlement of such person." I have not the least objection if you make the Scotch parish find out the place of settlement; my observations only went to the extent that it should be incumbent upon them to remove the party, at all events, to the place of his birth. The Committee will observe, that the evidence to enable the justices of the peace to remove from Scotland is taken upon the pauper's own evidence as to his birth; they do not call for any other person at all.

963. *Chairman.*] Is there any other point to which you wish to draw our attention?—At present nothing occurs to me.

 964. Are

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964. Are you of opinion that the power of removing Irish and Scotch paupers from England, if they become chargeable, can be safely and properly taken away?—I think not.

965. Supposing that cannot be done, can you make any suggestion for any improvement in the law beyond those with which you have already favoured the Committee?—No; my suggestion would be to assimilate, as much as possible, the removals to those two countries to the system now carried on between two English parishes.

966. It has been suggested here that, although you may not take away the power of removal altogether, you might lessen the hardship to the industrious Irish or Scotch labourer in this country, if you reduced the period necessary to gain irremovability from five years to three years, or two years; what do you say upon that?—My remark upon that is, that there is no mutuality; there is no benefit arising to the English pauper in either of those two countries similar to that which an Irish or Scotch pauper gains here by the fact of his being irremovable.

967. You would put your objection to that on the ground of want of mutuality?—Completely so; I think there ought to be mutuality in all things; perhaps I may also be permitted to observe, that I believe the effect of the Irremovable Act upon the Irish poor is such as to cause them to remain in a parish out of work, to entitle themselves to irremovability, when by going away they could get work.

968. You are against the policy of the Irremovable Act?—Completely; I have seen the working of it so much; I think it has a bad effect upon the labourer himself. I think it is a great inducement to him to remain half idle in a place, when, by going away, of course destroying his irremovability, he could be well employed.

969. Then I need hardly ask you whether you are for an extension of the principle of irremovability?—No.

970. Mr. *Maguire*.] If I understand you rightly, your idea is that there should be no such law as the irremovable law?—I think not.

971. Your idea is, that it is injurious to the labourer; and your feeling is, that the labourer should be allowed to go to any country, and live where he could obtain employment?—Yes.

972. Supposing the Irremovable Act were done away, and a poor person might go from one part of Scotland to the other, or from one part of England to the other, in search of employment, do not you think it would be very cruel to keep the Removal Act in full force against him?—Certainly not.

973. Why not?—I think that every parish ought to have the right to relieve themselves of the burden of persons who are not settled upon them.

974. I confess I do not clearly understand you; you will first allow a man to go everywhere he can in search of employment?—Yes.

975. But if that man does not find employment, say in any particular place, you give that parish, the moment he becomes a pauper, the right to send him away?—Yes.

976. Is not that inconsistent; is it not most unjust?—I cannot see any inconsistency.

977. Do you first induce a man to go in search of work, and then attach a penalty to his mischance?—I do not induce him to go; I merely say that I think this Irremovable Act has had the effect of keeping the Irish in the town, when otherwise they would have gone away, and have got work.

978. You spoke of some 150 or 200 Irish, and you said that the numbers were decreasing?—Very much decreasing.

979. So that the evil is mitigated?—Very much mitigated.

780. Do you think that the improving circumstances of Ireland, of which we have heard something, have had an effect?—I cannot answer that question.

981. I suppose if you heard that Ireland was becoming worse, and that there was less employment for the people, you would become apprehensive of a great rush?—I should expect it.

982. And *vice versâ*?—Yes.

983. You said that these people keep off the rates for five years; that you hear nothing about them for five years, and that then they do apply?—Yes.

984. Do you really wish to impress this Committee with the idea that these people are practically guilty, as it were, of a systematic fraud for five years for the

the mere purpose, at the end of that time, of availing themselves of the law, and obtaining relief?—I have seen it in many instances. When the person who has applied for relief has been asked, "How long have you been here?" the answer has been, "Just five years." "How have you been living?" he could not give an answer to that.

985. In every case did the person give no answer?—By no means in every case; but I mean to say that in many cases I have known parties coming forward who have just contrived to get the five years over, and very shortly afterwards they have applied for relief.

986. Do you believe that persons have come from Ireland merely with the idea of becoming chargeable?—No, not in the least.

987. But the very moment they come, do you find that they enter into a sort of systematic conspiracy against you?—I do not say that very moment; but they have acquired the knowledge of the fact that by their being five years in any parish, we cannot send them away.

988. Unless they were engaged in some sort of industry, how could they live for five years in your parish without applying for relief?—They may do so, and have done so.

989. How could they do it?—That is a mystery.

990. If they steal, are not they amenable to the laws?—I do not say that they commit theft.

991. Is beggary common with you?—Too common.

992. Are the Vagrant Laws in force?—Yes.

993. Are they not quite sufficient to put down mendicancy?—I do not think they are.

994. You say, that of these 150 or 200 persons, there are a large number not employed in any industrious way for five years, and that they have entered into a kind of systematic conspiracy to defeat the law?—I do not mean to say that they have not been engaged in some works of industry during that period, otherwise I do not suppose they could have lived.

995. How could they have lived?—They must have worked at something.

996. If they beg, you punish them?—Yes; but their children beg in abundance.

997. If they steal, you have a vigilant police, I suppose?—Yes.

998. Lord *Naas*.] Are there many convictions for vagrancy?—Very few.

999. How do you account for that?—I think it is the inefficiency of the police, more than anything else.

1000. Mr. *Maguire*.] Did you say that you had been engaged between parish and parish in conducting a dispute?—When there has been anything to do; but we have not had much.

1001. Have you at any time been engaged in a serious dispute with a parish in England, or with a parish in Scotland?—Perhaps this case of Catto was the most serious that I have been engaged in; we have had various claims to make on parishes in Scotland.

1002. Have you been engaged in a case of litigation?—Yes.

1003. What has been the expense?—It generally ended in our withdrawing it; we found the authorities in Scotland against us.

1004. What do you think the expense has been to the defeated parish?—I can give you an idea of an English appeal between two parishes; I should say 20 *l.* or 25 *l.* would be a large sum.

1005. But you have heard of larger sums?—Yes.

1006. You talked of want of mutuality; do you know that no union in Ireland can send an English or Scotch pauper, supposing he applies to them for relief, either to England or Scotland?—No, I do not know that; but I have known cases of removal from Berwick in which the parties have returned in a very short time; how they came I do not know.

1007. Mr. *Dunlop*.] You say that you think there is no mutuality between England and Scotland, and you think the advantages are all on the side of the Scotch pauper in England?—I think so.

1008. In England a Scotchman, after a five years' residence, becomes irremovable, but he does not acquire a settlement?—That is so.

1009. If he leaves the parish where he has lived five years, and goes to another parish, and applies for relief, he is removable the next day to Scotland, although he has been only a day absent from the parish in which he had so resided?—Yes.

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1010. If an Englishman resides five years in a parish in Scotland he acquires a settlement, does he not?—He does.

1011. If he leaves it, and goes into another parish, and becomes chargeable, he is not removable to England?—No.

1012. But removable to the Scotch parish in which he had resided for five years, and which is bound to support him?—That is so.

1013. And he does not become removable to England till he has been absent from his first parish for five years, without residing one year in that parish?—Yes; that is to say, if he is absent four years and a month, he cannot acquire the fifth year of residence.

1014. While, in fact, a Scotch pauper leaving a parish in England for a day, after five years' residence in it, becomes removable to Scotland, an English pauper, having lived five years in a parish in Scotland, does not become removable to England till the lapse of four years and over?—Yes, there is no doubt that that is correct.

1015. You thought that there was some disadvantage in the proviso as to a pauper having been three years resident in a parish at the time of the passing of the Act?—Yes.

1016. What was the disadvantage which you thought it created?—Unless the pauper was in receipt of parochial relief at the time of the passing of that Act, the settlement previously gained was gone.

1017. That is to say, prior to the passing of the Act three years acquired a settlement?—Yes.

1018. But the Act provides that five years shall be required unless the party was a pauper at the time of the passing of the Act?—Yes.

1019. In that case three years answer still?—If the party was a pauper at that t me.

1020. Otherwise five years are required?—Yes.

1021. What is the hardship of that?—It is just as you put it, that the settlement previously gained by the three years' residence is done away with.

1022. The three years do not answer for any one prior to the Act, unless he was a pauper at the time of its passing?—Yes.

1023. Is there any difference in the law of Scotland as to the acquisition of settlement between English parties and Scotch parties?—English parties can acquire a settlement in Scotland the same as Scotchmen.

1024. So that there is no preference given by the Scotch law to a Scotchman over an Englishman?—Not in the least.

1025. You thought that there was some disadvantage in your not being entitled to recover from a Scotch parish, when a person from sickness or other cause could not be removed?—Yes.

1026. Are you aware, that by the law of Scotland all parishes relieving a pauper can recover, without removing the pauper at all?—As between two Scotch parishes, I believe they can.

1027. Did you ever try, as between an English parish and a Scotch parish, whether the law was not the same?—No, I never did.

1028. Have you been refused by a Scotch parish expenses which you have laid out upon a Scotch pauper?—No, I never have; I never tried it.

1029. Are you not aware, that a Scotch parish cannot recover from an English parish, even if the pauper is irremovable by reason of ill health?—They cannot; because we cannot relieve any one in Scotland at all; our law prohibits any relief given to parties in Scotland.

1030. But you have never tried whether the law of Scotland was the same?—I never have.

1031. You have never attempted to go to the Small Debt Court?—No.

1032. Was any application for the repayment of expenses ever refused?—No; I never tried it.

1033. You think that there is a great disadvantage to the border parishes in our Scotch removals being to England generally?—I think so.

1034. Are your English parishes bound to send Scotch paupers to the places of their birth?—No; that was one of my suggestions for the improvement of the law as regards both countries.

1035. Then your observations apply to the law of both countries?—Yes; I wish a change made in the law of both countries. There is a place of destination in the form given for a removal to Scotland; there is none in a removal to England;

England; the man in the previous case swears to the place of his birth, and that is the place of his destination; the first Scotch parish can have no difficulty; the place of his birth is distinctly sworn to, and that is the place of his destination.

1036. But you are not bound to send him there; you may put him across the border, and let him find his way there?—No; but there are certain rules and regulations which are known.

1037. *Chairman.*] There are certain ports and places specified in that Act?—Yes.

1038. And none in the other?—And none in the other.

1039. Mr. *Dunlop.*] You mentioned the case of a man sent to Cupar, who was born there?—Yes.

1040. And you say he came back; had he an order of removal?—No; he was refused relief, and found his way back.

1041. You could have sent him back again, or have punished him for returning?—I scarcely think we could have punished him for returning; the man was not entitled to relief in his own country.

1042. Is there not a penalty on paupers returning and again becoming chargeable to the parish?—There is, no doubt.

1043. So that you could have enforced the law in England?—We might have enforced the law, but it would have only made matters worse.

1044. Not so far as your parish was concerned; you could have got rid of the pauper?—I do not know how we could have got rid of him; we could not have got rid of him; we might have punished him, or sent him to gaol.

1045. Or sent him back?—We might have sent him back, and he would just have found his way back again to us.

1046. You could always have repeated the operation?—I dare say we could.

1047. There was a case which you mentioned about Dunse, of a woman married to an Englishman, I think?—No, a Scotchman; there was no doubt of the fact.

1048. Was he residing at Dunse?—That was his settlement.

1049. Was he residing there?—Yes.

1050. You might have sent her back again?—We could only send her to the place of her own birth; we could not send her to Dunse.

1051. You could always get quit of her?—Yes; we could go on *ad infinitum* in that way.

1052. How many Scotch paupers may you have removed since the passing of the 8th & 9th Vict., the Scotch Act?—I see in the year ending Lady-day 1854 we had five removals to Scotland and five to Ireland.

1053. Have you any other returns?—I did not look at any others before I came.

1054. Is that about the average?—I think that is a high average.

1055. Would you say three?—I should say perhaps four would be the average.

1056. What is the average of English paupers removed from Scotland to Berwick?—I have no means of ascertaining it exactly, because I believe in some cases we have not heard of the paupers at all; they have not applied for relief; they have been put down, and found their way on.

1057. Have you the numbers who became chargeable?—I have a return of vagrants, but that does not show it, because these are mere casual poor who are not returned at all. I have no return which will answer your last question.

1058. You mentioned two cases of persons having been sent without orders?—Yes.

1059. Were those cases that ought not to have been removed?—No, I do not say so at all.

1060. There was no hardship?—There was just the same hardship as if they had been formally removed.

1061. They were properly removed?—Yes; it was done with the consent of the parties. I do not mean to say that it was done illegally, but it was a course which no English parish could have followed. We are bound to obtain a regular order of removal, upon certain forms.

1062. Mr. *Maguire.*] What is the population of Berwick?—Ten thousand.

1063. How many Irish do you think you have there?—I should say, with the labouring class, the industrious class, there are, perhaps, 300 to 400 Irish.

1064. How are they employed generally?—There are a number of them most respectable artisans, mechanics, and many in trade.

 1065. And

1065. And others employed as labourers?—Yes.

1066. In what class of work?—In the public drainage, and as masons' labourers, and in the ordinary work.

1067. Are there any manufactories?—No; we have no factories at all.

1068. No mines?—We have collieries; but they are not employed there at all; there are collieries in the immediate neighbourhood.

1069. Have you a workhouse there?—Yes.

1070. What accommodation have you?—We are estimated to accommodate 150.

1071. Is not that rather small?—Very small; we are enlarging it; not so much on account of the numbers, as of the imperfections of the building.

1072. Have you at any time offered the workhouse to the Irish there?—Yes, and they have refused.

1073. What is your scale of dietary?—It is a liberal scale; it is the ordinary scale sanctioned by the Poor Law Board.

1074. Do you give meat?—Yes, twice a week; meat and soup.

1075. Is your discipline very severe?—No, it is very lax, in consequence of the inconvenience of the workhouse; it is an old workhouse changed.

1076. So that the effect of the discipline would be more felt in the new workhouse?—Yes, in a well-organised workhouse.

1077. Dou you say that the Irish are rather averse to going into the workhouse?—They are.

1078. Mr. *Archibald Hastie.*] Have you the means of giving for each year the number of English paupers sent from Scotland, and the number of Scotch paupers sent from Berwick to Scotland?—Yes, I can easily do that.

1079. Will you make it out, and send it to the Committee?—Yes; for what number of years?

1080. From the passing of the Act, in each year?—I cannot depend so much upon the accuracy of the number sent to England as of removals made to Scotland or Ireland, because we have those upon our books.

1081. You have stated that you think there are about 400 Irish in Berwick?—I think so.

1082. I think you also stated, that about 150 of those were parties as to whom it was not correctly known how they were employed?—Yes, that was about the number, in the course of last year, and this they have very much decreased.

1083. Then they were a very poor class?—Wretchedly poor.

1084. What do you think is the Scotch population of Berwick?—It is much larger than that; in fact we may almost call ourselves a Scotch town; there are a very great number of either natives, or people who have been long resident in Berwick, who are of Scotch descent; a large proportion, I should fancy.

1085. Half the town?—No.

1086. One-third?—I should almost say one-third.

1087. Will not the census of 1851 show it?—No, I do not think it will.

1088. Mr. *Dunlop.*] How many irremovable Scotch paupers may you have?—I cannot say.

1089. Mr. *Archibald Hastie.*] How many people have you upon the poor's-roll in Berwick?—I cannot answer that question now.

1090. Mr. *Ingham.*] What is the population of the entire union?—23,000 in round numbers.

1091. Mr. *Alexander Hastie.*] You mentioned, in a former part of your evidence, that cases had frequently occurred, on the death of a member of a family, where the survivors had not the means of burying him?—Very often.

1092. Does that refer to the paupers, or to the casual poor?—I was talking of people who had not been before chargeable; the paupers would be buried by us, as a matter of course.

1093. How many do you bury in the course of a year under those circumstances?—I should say that there is scarcely ever a board-day when we have not an application from somebody or another who is not upon the poor's-roll for a coffin for a child, or some one; and we meet once a fortnight.

1094. Mr. *Ingham.*] Upon what principles do your guardians make a selection of those Irishmen or Scotchmen whom they remove, who are receiving relief, not having been five years in the parish; what determines their selection?—If the parish authorities take a man before the magistrates, I never knew them refuse to send any one.

1095. What

1095. What motive guides the parish authorities; do they remove every person?—No; I have known many cases that they have not removed.

1096. What are the cases?—If it was mere casual relief, relief not likely to be of long duration, they would not remove upon that ground alone.

1097. If they thought that there was a likelihood of the man being able shortly to maintain himself?—No doubt of it.

1098. You said that there were 150 or 200 Irish persons who occupied a particular part of the town whose habits of living were squalid; that they had displaced the English tenants?—Yes.

1099. At what period did that take place?—I should say that it is within a period of from five to six or seven years.

1100. Were there any great works going forward at that time which ceased suddenly, which caused this influx of chargeable Irish?—No; we have no great works ever going on with us; I think they were mostly a class of people who seemed to have come to this country for the purpose of harvesting, and just settled down.

1101. At what time did the North British Railway cease its works in your neighbourhood?—The great works in the immediate neighbourhood of Berwick have been over for these last six or seven years.

1102. Did not the period to which you refer coincide with the period of those works ceasing?—I do not think that many of that class of people have remained among us; not many of the navvies.

1103. Have persons who were doing inferior work, barrowing and so forth, remained?—There may have been a few.

1104. You say they have not increased since that time, but have been gradually diminishing?—They have decreased since then.

1105. Mr. *Maguire.*] Are you quite positive that on every board-day there is an application from an Irish family for a coffin?—No.

1106. Will you tell me, as nearly as you can, on how many board-days in the year applications of that kind are made?—I do not say from Irish only.

1107. I say from Irish?—I cannot from memory speak to that fact.

1108. Do so, as nearly as you can; would you say that there is one a month?—Yes, I should say there is.

1109. Is that about the average?—I should say it is a fair average.

1110. Mr. *Grogan.*] You said that an alteration of the existing Irremovable Act, limiting it to a period of two or three years, would work injuriously to your parish with reference to the Irish and Scotch paupers. Can you state what number of Irish paupers there are in your parish who are irremovable at present?—I cannot.

1111. Do I rightly collect your opinion to be that about 400 used to live in a poor part of the town?—No; a much smaller number than that; the 400 are the Irish altogether, including the industrious class, and spread all over the town.

1112. There were 150 who resided in this poor part of the town?—Yes.

1113. You have also stated that there were only five Irish removals in the course of the last year?—Yes.

1114. How can you reconcile the fact that there were only five removals of Irish paupers, and 150 in such a state of destitution that you cannot tell how they obtained their livelihood?—They do not apply for relief; that is an undoubted fact; they never apply for relief.

1115. Therefore the evidence is, that there are people there living in a very poor way, but that they do not become chargeable to you?—Yes.

1116. With respect to any of the 150 parties, have applications for removal been made to the magistrates which the magistrates have declined to accede to?—Never.

1117. Am I, then, to understand that in every case of an application to the magistrates for the removal of an Irish pauper, that application has been assented to?—I never knew an application refused.

1118. Therefore the actual number of Irish paupers may be taken as about five annually, that being the number that you removed last year?—I should say we might have removed a great many more if we had taken advantage of the simple and single act of an application for relief; the authorities did not do so; but I never knew a case of the magistrates refusing an application to pass a pauper to Ireland.

1119. Am I to understand you that you did not take advantage of the Act for removing them for the same reason as in other cases, namely, that they were parties merely applying for casual relief?—Yes; we might otherwise have removed a great many more.

1120. Would not that fact produce the impression upon the minds of the magistrates, or of the parochial authorities, that these people, though living in a very humble way, were still able to maintain themselves by some sort of occupation?—Yes, they were maintaining themselves, unless there was some cause for the contrary, such as sickness, or accident.

1121. With regard to their living in a very dilapidated part of the town, which I understood you to say they did, might not that arise from the fact that the houses being in that condition, were at a cheaper rent than in other and better parts of the town?—Of course they were at a very cheap rate, and in a very bad state.

1122. You assigned as the reason, in your opinion, for the very bad state of the houses, the fact of the landlords not receiving the rent?—Yes.

1123. Upon what do you base that opionion?—Because I know, from actual information, that they can get scarcely any rent at all, and therefore they say they cannot repair.

1124. Do you mean to say that they allow these Irish paupers to reside in their houses without paying rent?—They do not allow them, but they get so small a rent, that they cannot afford anything for repairing these properties.

1125. If they could get a larger rent, do you think they would allow those paupers to be there?—No; if they could get a larger rent, they would get it.

1126. Is it not probable that the houses being in such a dilapidated state, they get the utmost rent they can for them?—No doubt of it, now.

1127. Therefore, it is the poverty of the Irish, and their circumstances, of which you speak, which induce them to occupy these cheap houses?—No doubt that is the case.

1128. And the state of the dilapidation of the houses does not necessarily result from the occupation of the Irish?—No.

1129. Lord *Naas.*] What do these Irish pay a week for a lodging for a family?—I cannot say; perhaps a shilling a week.

1130. For one room?—Yes.

1131. *Chairman.*] What is the amount of your last rate; how much in the pound?—About a shilling in the pound for half the year; two shillings in the year.

1132. Mr. *Grogan.*] In the case of the removal of Irish paupers, where do you send them to?—It depends entirely upon the part of Ireland which they are going to; the rules prescribe the port to which they are to be taken, whatever part of Ireland they are to be taken to.

1133. Do you send an officer with them to the port where you ship them?—Yes; you are obliged to name an officer, and he delivers them.

1134. Does your remark about Scotland apply to Ireland also?—Yes; I would never leave a pauper short of his destination.

1135. Lord *Naas.*] But that is not your practice at present?—No; we simply comply with the regulations issued by the justices at quarter sessions, and confirmed by the Secretary of State.

1136. You take them to the nearest Irish port?—Yes; the person named by the justices conveys them to the nearest Irish port.

1137. Does he cross the Channel?—No, he does not.

1138. Then he does not convey them there; he leaves them at the nearest English port. Do you give your paupers sufficient money to take them home, or to take them to the nearest Irish port?—We take them to the English port most fit and proper for their getting home in the shortest way they possibly can.

1139. Do you give them sufficient money after your officer leaves them at the English port to take them to the nearest Irish port, or to take them home?—To take them to the Irish port.

1140. *Chairman.*] You pay their passage to the first Irish port?—Yes.

1141. Mr. *Ingham.*] And that Irish port is the nearest to the place which you understand to be the residence of the Irish pauper?— Yes.

1142. Mr. *Grogan.*] Then those Irish ports to which you send them suffer, and complain exactly in the same way as you do as a border parish?—Yes.

1143. Mr. *Alexander Hastie.*] You have removed Scotch paupers?—Yes.

1144. Where

1144. Where do you remove them to in Scotland?—According to the direction in which they are going; if to Edinburgh, and in that direction, we remove them to Ayton, and if to the other part of Scotland, to Coldstream.

1145. Lord *Naas.*] Do you pay their expenses beyond Coldstream?—No.

1146. Mr. *Grogan.*] If the English law were, that an English pauper removed from Scotland to any of the border parishes, your own, for instance, was obliged to be maintained there without the power of obtaining repayment, what should you say then?—It would be a much harder case, there is no doubt of it.

1147. Mr. *De Vere.*] You spoke of a class of Irish poor in the town of Berwick who, by five years' residence, had acquired irremovability?—Yes.

1148. You estimated that class at from 100 to 150?—No, I think I must have been misunderstood there; I said that the class of people residing in that poor part of the town number about that: I did not mean to say that there were 100 or 150 irremovable Irish poor.

1149. You are unable to state whether they have acquired irremovability or not?—It applies to that poor class of Irish.

1150. You said that you could not tell how they lived?—They live very poorly; I have been in their dwellings; there is no furniture, and their children are in a wretched state of emaciation apparently; half clad, or with scarcely a rag upon them.

1151. I believe you say that there are many who support themselves honestly?—Yes; their children infest the streets as beggars; but otherwise I do not know that we have more Irish charged before the magistrates with petty offences than English or Scotch.

1152. I believe you stated that they support themselves chiefly by casual or occasional employment?—Yes; we have no manufactories.

1153. And that upon any misfortune or illness occurring in their family, they become candidates for relief?—They do.

1154 A person having casual and irregular employment, and having no capital to begin with, would naturally apply for relief upon any misfortune occurring; why, then, should you attribute to them great improvidence of character?—I draw a distinction, which I have seen, between our own casual labouring class and that class; they do not so often apply as the Irish.

1155. Then have you a class of English labouring poor exactly analogous to that class of the Irish?—We have a class of casual labouring poor men who are just employed in the same kind of way, namely, as labourers for masons, and in other employment, which perhaps is not regular and not permanent.

1156. Have you a class of English poor of whom you can say as you say of these Irish, that they contrive to live you cannot tell how?—No; I do not think they are in so great a state of destitution; they do not seem so low and wretched in their dwellings; I have been among the poor of all classes in our town; I do not think that an Englishman, apparently obtaining his livelihood in the same kind of way, is in the same state of wretchedness as I have seen some of these Irish people.

1157. May not their applying for relief upon any sudden misfortune arise from the position in which they have been placed during the time they have lived there, and not from any improvidence of character?—I would not say so much of improvidence of character as of improvidence in not laying up something for a rainy day, to use a homely expression.

1158. If persons' earnings are very casual, very irregular, and very small, but their wants are very many, how is it possible that they can lay up money?—That is so; in fact, I do not know how they contrive to live, let alone saving anything.

1159. You said that a great hardship is cast upon English unions in consequence of the law in Scotland not entitling able-bodied paupers to demand relief?—Yes, that certainly is so.

1160. That can only be as operating by sending back paupers again to England after they have been removed?—We are able to relieve and to remove able-bodied men to Scotland; the law of Scotland refuses to relieve able-bodied men.

1161. Then the result is, that they come back to you?—They do.

1162. The Scotch paupers come back to you for the purpose of getting parish relief?—No doubt of it.

John Darlington, Esq., called in; and Examined.

J. Darlington, Esq.

19 March 1855.

1163. *Chairman.*] I BELIEVE you are a solicitor at Bradford, in Yorkshire?—I am.

1164. And have been clerk to the Bradford Union nearly five years?—I have.

1165. Of how many townships does that union consist?—Four.

1166. Will you name them, with their populations?—Bradford, 52,501; Bowling, 13,542; Horton, 28,142; Manningham, 9,601: total 103,786.

1167. That was the population in 1851?—It was.

1168. Has it been increasing since?—Yes, very much.

1169. What should you put it at now?—We consider that there are about 120,000 now.

1170. What proportion of that number, as nearly as you can judge, are Irish?—About one-sixth of the whole; say 20,000.

1171. How many paupers have you at this time on the books of the Bradford Union?—I have a table here which shows that. In the week ending the 7th of the present month of March there were 7,670.

1172. What proportion of those are out-door poor?—The workhouse holds 400; and, taking the few in the lunatic asylum, and the few vagrants, I should think we have altogether about 7,200 out-door poor.

1173. What number of the 7,670 paupers now on the books are Irish?—2,935, being $14\frac{1}{2}$ per cent. Irish, and $4\frac{1}{4}$ per cent. English, on the population.

1174. Do you know how it is with regard to Scotch?—We have hardly any; perhaps not one in six months.

1175. What is the construction which you have put in your union upon the Irremovable Act as to how far the Irish are entitled to the benefit of that Act?—I have entertained an opinion that it is not applicable to the Irish.

1176. Have you always acted upon that opinion?—I have only been clerk five years: we did at first, after I became clerk, act upon it, but afterwards the justices refused to pass the Irish; their clerk put another construction upon the Act.

1177. He thought the Irish were entitled?—Yes.

1178. He refused to remove them where there had been a five years' industrial residence?—Yes; therefore we do not attempt now to send them, notwithstanding my opinion.

1179. Can you give the Committee information as to the number of the Irish who have been removed within a certain time, and the cost of their removal?—Yes; I have a table here beginning in March 1848, and going down to the present time, with the exception of one year, when the papers seem to have been misplaced; this table gives the total number of Irish removed each year, and the cost. For the year ending 25th March 1854, 123 were removed from the Bradford Union, and from the 1st of April 1854 to the 28th February this year, 430 were removed; the cost of removing 196 persons from June to November 1854 was 174 *l.* 0 *s.* $5\frac{1}{2}$ *d.*, being an average of 17 *s.* 9 *d.* per head; I can give you also the time which 140, the number passed to Ireland during the last six months, had been in England; of this number, 23 had been out of Ireland under one year; 17, one year and under two; 28, two years and under three; 22, three years and under four; and 50, four years and upwards; total 140: within that time none have been removed to my knowledge who had been more than five years there.

1180. Mr. *Maguire.*] Do you mean five years in England, or in the parish?—In the parish.

1181. Can you state how many years any number of the 50 had been in England?—No.

1182. *Chairman.*] That table giving the times applies to the periods in the township of Bradford?—It does.

1183. What are the Irish in Bradford chiefly by employment?—Principally wool-combers.

1184. That is an occupation which has been greatly depressed of late, is it not?—It has, in consequence of the introduction of combing machines.

1185. Has that had the effect of throwing out of employment a good many wool-combers?—Very many indeed. I am told, that one machine and a little boy can do the work of 100 men.

1186. And

1186. And you have known cases of great numbers of persons being thrown out of employment by the introduction of machinery?—I have; within the last 10 years the combing machines have come into general use in Bradford.

1187. What amount of manual labour has within that time, in your judgment, been displaced by machinery?—I find, on inquiring from the large manufacturers, that one has seven machines and seven boys; he has dispensed with 700 combers; another has machines equal to 1,500 hands. There are six firms having about 80 machines, which do the work of from 6,000 to 8,000 hands.

1188. Mr. *Archibald Hastie.*] Are you aware what are the wages of each of these wool-combers?—I cannot give that with accuracy; I should think about 10*s.* or 12*s.* a week; I am not quite sure about it. I do not understand the process myself.

1189. You could, upon inquiry, ascertain it?—Certainly.

1190. *Chairman.*] Have you considered the suggestion to do away with the power of removal of destitute Irish paupers from this country to their own?—I have.

1191. What is your opinion with regard to that?—So far as Bradford is concerned, we view it with very great alarm.

1192. What are the grounds of your apprehension?—We have so very many poor now. The 20,000 that we have are principally of the very lowest order.

1193. In what way do you conceive that the power of removal operates as a protection?—It gives us the power of sending home parties who come where we have no employment for them.

1194. Do you conceive that the knowledge of that fact keeps down the number of applications which would otherwise be made to you?—Yes, I think it does.

1195. You say that there are about 20,000 of the Irish altogether?—Yes.

1196. What are their habits generally, as far as you have observed?—They are rather low; they are turbulent and disorderly generally in Bradford.

1197. Can you give the Committee any information from the police returns?—I can; I inquired from the superintendent of police, and he stated, that of 900 prisoners taken into custody in 1854, 500 were English and 400 Irish, or one in 200 of the English population, and one in 50 of the Irish. He also stated, that if it were not for the Irish, the police force, which now consists of 110, might be reduced to a dozen men.

1198. Lord *Naas.*] When you say that the proportion of persons convicted at the police court is as one in 200 English, and one in 50 Irish, is it not the fact that the Irish in Bradford are entirely of the lowest class?—I think they are.

1199. The English comprise all classes?—Yes, they do; I have a table which the policeman handed to me, which possibly may show the condition.

1200. If you take the population of Bradford, who are in the same position from poverty as the Irish population, do you think there will then be a great discrepancy of crime as between the English and the Irish?—I think there will.

1201. But not in the proportion of 200 to 50?—I cannot say positively; I cannot answer that question.

1202. Mr. *Alexander Hastie.*] What description of crimes are they?—I have a list of the crimes; this is a report issued by the superintendent to the council which he put into my hands; there are all the different kinds of crime here.—[*The witness delivered in the same.*]

Vide Appendix.

1203. Lord *Naas.*] What is the population of Bradford?—About 120,000 now; it was 103,000 in 1851.

1204. Have you any means of telling what the labouring population of Bradford is?—Not exactly.

1205. How many combers are there in Bradford?—I should think there must be from 10,000 to 12,000 Irish combers.

1206. I mean combers altogether?—I do not know; the number is so much reduced by the combing machines, that I cannot tell; I have not any statistics before me which would enable me to give a positive answer to that question.

1207. Do you think there are as many poor English in Bradford as there are poor Irish?—I think not, certainly.

1208. Then you think that the very poorest class are principally Irish?—The poorest class consists principally of Irish.

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1209. Do you think that the persons who come before the magistrates are generally of the poorest class of both English and Irish?—I should think they were, but I cannot speak positively; I have not directed my attention to that point.

1210. *Chairman.*] In these answers, respecting crime, are you speaking with regard to the township of Bradford or the whole union?—The borough, which is co-extensive with the union; the borough and the union are the same.

1211. With regard to your workhouse at Bradford; what amount of workhouse accommodation have you?—We have accommodation for 400; we are about now to enlarge it to hold double the number.

1212. What number of the 400 at present in the workhouse are Irish?—One hundred and thirty-six, or 34 per cent.

1213. Do the large manufacturers of Bradford employ many Irish?—No, not many; I may say that one firm, employing about 2,500 hands, has only 300 of them Irish; another with 3,000 hands, has only 100 Irish.

1214. Do they give you any reason for employing so few?—They do not like them very well; their habits are dirty, and their conduct generally is not very good.

1215. Have you heard several complaints made?—I have, by the gentlemen who employ them.

1216. For the year ending March 25th, 1854, what proportion of your whole number of paupers were Irish?—According to returns which Mr. Farnall, the Poor-law Inspector for the district, showed me the other day, one-third of the paupers were Irish.

1217. The population was in what proportion?—One hundred thousand English and 20,000 Irish; I cannot speak accurately as to there being 20,000, but I believe, from a calculation which I made from information which I received from the Roman-catholic priest, that there must be at least 20,000.

1218. You say that you have yourself thought that the Irremovable Act did not apply to the case of the Irish?—Yes.

1219. In a case where there is no question as to that Act, what is the course of proceeding when a party is to be removed; who makes the complaint to the magistrates?—I may, perhaps, mention that we remove in precisely the same way as they do in the West Derby Union; I have read Mr. Cleaver's evidence; the party is taken before the magistrates.

1220. Is it a proceeding in open court?—Yes; I have never been myself with the paupers; the officers take them; it does not form part of my duty at Bradford to go with them.

1221. Do you remove every Irish pauper who becomes chargeable?—No.

1222. Do you know whether the magistrates, in cases which come before them, exercise the discretion given to them by the Act, of removing or not, as they think fit?—I have not heard of their refusing to remove anybody.

1223. But the guardians make some discrimination among the cases?—Certainly; I think they act with very great care.

1224. Will you, as nearly as you can, tell the Committee what is the principle of their discrimination?—They inquire whether there is any prospect of a man getting into employment soon. I do not think they would at all harshly remove any Irishman. I have known parties who have been ordered to be passed come before them three times, and be relieved.

1225. Have you made any observation as to the accuracy of the statements made by this class of persons when they come before the guardians?—Yes; I may say that the guardians consider that they do not always speak the truth.

1226. Are you now speaking of the Irish?—I am; they cannot believe those men when they make statements as to the nature of their residence, or when any questions are put to them.

1227. You have a map of the union with you, I believe?—I have.

1228. You have expressed an opinion, that you could not safely do away with the power of removal altogether; does it occur to you that any improvements might be made in the existing law?—Yes. I think that one, which would be a great relief to the poor, would be, to make the union the area of settlement.

1229. That is, that if a person had resided for a certain length of time in the same union, he should be irremovable?—Yes. I see that many of the witnesses who have been before you have said the same. My judgment was formed before I saw that evidence; it was some time ago.

1230. Will

1230. Will you state the grounds upon which you recommend that change?—The four townships forming the Bradford Union meet in the centre, where the principal part of the Irish population reside. Sometimes these poor people will step across the street, after residing perhaps 10 years in one township, and at once become removable. I think that that acts as a sort of trap, and is very unfair to them.

1231. In cases like that, would a removal take place?—If the guardians saw that a man was not likely to get employment, they would perhaps take advantage of it.

1232. Lord *Naas.*] Have they taken advantage of it?—I think they have.

1233. *Chairman.*] You would recommend an alteration in the law in that respect, so that there should be no means of taking that advantage hereafter?—I would.

1234. From your experience, as clerk of an extensive union, are you of opinion that it would be a right thing, with justice to the interests of all parties, to make the area within which the privilege of irremovability should be obtained, the union, and not the parish?—I think it would.

1235. What do you say as to the period of time necessary?—I think there should be some industrial residence; I have no objection to its being lowered from five to three years; I think that would give us an opportunity to test the applicants.

1236. You think that you might with safety come down to three years?—I think we might.

1237. So that the area would be extended from the parish to the union, and the period of time reduced from five years to three?—Just so.

1238. Would those alterations combined give relief to a large class of persons?—A very large class. According to the table which I have just read, it would have rendered half those people irremovable. The number of persons passed to Ireland during the six months ended February 1855 was 140; of this number, 23 had been out of Ireland under one year, 17 one year and under two, 28 two years and under three; that makes exactly 68, which is very nearly half the number; so that, instead of removing 140, we should have removed 68 only.

1239. Does it occur to you that any amendment might be made as to the mode of removing the Irish?—I think they should be removed with a little more formality than they are.

1240. What do you recommend by way of improvement?—I think that an examination should be taken somewhat in the way in which it is done when we remove the English paupers, and it would be very advisable to send notice.

1241. Do you concur in the suggestions which were made by Mr. Willoby just now, with regard to sending notice that an order had been made, and also having the pauper, when the order of removal has been made, taken by a poor-law officer and delivered to a poor-law officer at the end of the journey?—Yes, I think it should be so; I concur with him entirely.

1242. That it should be done just as you do in England?—Exactly.

1243. Do you recommend that it should be a part of the inquiry of the justices where the birth had taken place, and that then the justices should make it a part of their order that the pauper should be removed to that place, or to the union which comprises that place?—Yes; perhaps one reason why I should say that, is on account of the extreme hardship which appears to exist to the places where the paupers are landed in Ireland; I think it would only be fair to the inhabitants of those districts, and also to the poor themselves, that they should be sent as near as possible to the place of their birth settlement.

1244. Have you a Table showing the number of English and Irish vagrants in your union?—I have.

1245. Where do you get your materials for that Table; from the police?—We have a porter at the workhouse who keeps a book regularly.

1246. They are what you call tramps?—Yes.

1247. Not persons necessarily guilty of offences against the vagrant law?—No.

1248. Then this Table which you are going to produce is a Table of casual poor, or what you call "tramps"?—Yes, they apply for one night's lodging in the vagrant office.

1249. Will you state what the proportion is?—From 23d October 1851, which was the time when we opened our new workhouse, till the 25th of March 1852,

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there were 838 Irish and 543 English; for the year ending 25th March 1853, 353 Irish and 198 English; for the year ending the 25th of March 1854, 593 Irish and 500 English; and from 25th of March 1854 to February 1855, 839 Irish and 1,168 English. I may state with reference to that Table, that when 838 were relieved in about five months, there was no test or bath in use; now all the applicants are obliged to undergo ablution, and to do a certain amount of work before breakfast; that reduced the number very materially.

1250. Is there any other information which you think would be useful with reference to the subject of our inquiry?—I think not.

1251. Is there any other suggestion which it occurs to you to make?—I may mention that the guardians would strongly oppose the abrogation even of the power of removing English paupers, unless settlements were continued, and the expenses repaid by the townships.

1252. What do you think of the system of non-resident relief?—I think it would do away with a great hardship upon the poor, that they should not be removed from place to place, but that we should have the cost of keeping them repaid by the townships to which they belong; that would apply both to English and Irish poor.

1253. Then would you suggest in that case, that, instead of the Irish pauper being removed, you should have an order made upon the Irish Union, which was ascertained to be the union of birth, and the cost reimbursed by that union to the English Union?—I do not know; that would do very well for the English; but there is another point of view in which we should look at it as to the Irish, namely, in a moral point of view; their behaviour is not quite so good; we should rather desire to have the power of removing them; but if that power were taken away, we should then hope to be repaid by some fund.

1254. Do you think that you could dispense with the power of removal altogether if you had that other power given to you of charging the Irish Union with the cost of the maintenance of an Irish pauper in Bradford?—As far as the pounds, shillings and pence are concerned, I think we might, and the guardians would not object to that if they were refunded the cost of maintenance.

1255. But you think that you should have the one or the other, either the refunding of the expense, or the power of removal?—Certainly.

1256. Is there anything else which you wish to state?—No.

1257. Mr. *Grogan*.] You stated that the Irish population of Bradford was about 20,000?—Yes.

1258. And that about 10,000, one-half of that number, were wool-combers?—I think they are; but I did not direct my attention to that point before I came.

1259. It is about that proportion?—Yes.

1260. What is the total number of wool-combers in Bradford?—There must be very few now.

1261. When you speak of 10,000 Irish being employed in the wool-combing business, to what year are you referring?—When the combing machines came into use.

1262. Anterior to that, can you say what number of those men generally were employed?—Perhaps 15,000; there were not so many English combers as Irish; it is a kind of work that an Englishman does not like very well.

1263. Why?—It is very dirty work; they are obliged to live in a close confined room, with a charcoal pot in it; it is most unhealthy.

1264. And not well paid?—They used to be well paid in former times, but lately they have not been well paid; it has been a very miserable occupation in fact.

1265. Previously to the introduction of these wool-combing machines, could the business have been carried on to the same extent without the assistance of the Irish?—That is a question which I have put to one or two of our largest manufacturers, and they say that they could have done without them; they might have had to pay more for the work.

1266. I do not speak of an absolute impossibility, because that, as an engineer's phrase, does not exist, but I am speaking from practical experience of these gentlemen; taking the position of society in Bradford previously to the invention of these machines, could the manufacturing business have been carried on without the assistance of the Irish?—I do not think the town would have increased so fast, but they tell me that they could have done without them.

1267. Lord *Naas*.] Then would the taking away of these 20,000 persons have the effect of raising the rate of wages for wool-combing?—No doubt.

1268. Therefore

1268. Therefore the profits of the manufacturers would be proportionably reduced?—Yes; but there is another point of view; the labour may have been too cheap, and we have had consequently a reaction of two years of bad trade; if labour had been dearer, we might not have been subject to that reaction.

1269. Do you look upon weekly wages of from 9*s.* to 12*s.* as too cheap?—I think they are pretty fair average wages.

1270. That is what you stated as the average wages?—I believe about that; I am not quite certain.

1271. Mr. *Grogan.*] You attribute also the influx of Irish paupers demanding relief from you in a great degree to the introduction of these machines of late?—It has been not so much, I think, of late as a few years ago, because they were suddenly thrown out of employment.

1272. Am I, then, to infer that the impression of your board of guardians was, that until the discovery of these machines, Irish labour was extremely useful, but that now the support of these Irish, thrown out of work by these machines, is very burthensome?—The manufacturers tell me that they could have done without them.

1273. Practically they did not do without them?—They did not, because they came over in very large quantities, and displaced the English labourers.

1274. If they had substituted English for Irish labour, your impression is that they would have had to pay larger wages?—I think so.

1275. You stated, I think, that about 120 was the number of Irish pauper removals in the year ending March 1854?—One hundred and twenty-three.

1276. Were they combers principally, or exclusively?—I do not know at all.

1277. You have no means of knowing it?—I have no means of knowing it.

1278. Has your attention been called to a return headed "Poor Removal," furnished in 1854?—It has.

1279. Under the head of Bradford; I presume that that part of the Return was furnished from your office?—Yes.

1280. Can you explain the following discrepancy: 123 you state were removed in that year; whereas in this Parliamentary Return the number is only given as 98?—I am sorry to say I cannot account for it.

1281. Have you any doubt that the Parliamentary Return was made as carefully as possible?—I have not; I should like to explain that by letter.

1282. In reference to the removal of Irish paupers, you stated that it would be desirable to introduce more formality into the system; what do you mean by that?—Something more like the way in which we remove the English poor.

1283. Do you mean in the examination before the magistrates?—In the whole process; that they should not be ordered to be removed to-day, and taken before the magistrates to-morrow, and immediately hurried off to Ireland; I think a little more time should be given, and a notice sent over the water to say that we are going to send them.

1284. Is it the practice in your union, that when the Board of Guardians order, for instance to-day, the removal of an Irish pauper family, your officers bring them up before the magistrates the next day?—The next day, or the day after.

1285. After a day or two's interval?—Yes, very shortly after.

1286. And you immediately remove them?—Yes; we have an officer who removes them to Liverpool.

1287. You do not give the option to the Irish pauper?—I have never heard of any being absolutely compelled to go; the Guardians say, "If you take the relief, you must be removed;" it has, in fact, been voluntary after all.

1288. How voluntary?—Because they were not obliged to take the relief; it was offered to them.

1289. I understood you to say, that on a pauper becoming chargeable to the Poor Law Guardians, and his removal being determined upon, he is brought immediately before the magistrates, and immediately shipped off?—Yes; that is if the man consents to go; if he takes the relief, and is willing to go; he is not forcibly taken away.

1290. If he did not take the relief, he would not be liable to removal?—No.

1291. Then, what you mean by his being willing, and going with his own consent, is, that he has the alternative of removing to Ireland, or starvation?—No; they very often get the relief without going after all; they take the relief, and they say, that if we will give them a little more time, they will endeavour to do

without it; I have known people brought up three several weeks, and still get relief.

1292. Practically, do the magistrates grant an order of removal in every case where application is made to them?—Pretty nearly; I have not heard of their rejecting any that have gone before them.

1293. They have never refused in any instances since you have been the clerk to the guardians?—I have not heard of any.

1294. You stated that 123 were removed in that particular year; you have given the numbers in other years also; how do you account for so small a proportion as 123 out of 20,000 Irish, whom you describe as being of this very humble class, and many of them deprived of their ordinary labour; how do the remainder live?—I am told that not more than one-third of those ordered to be removed, absolutely are removed; the Irish people refuse to be removed.

1295. That is, they cease to become chargeable?—They say they will not go; they cease to become chargeable.

1296. Are you able to state how the remainder of 20,000 Irish, whom you have described, eke out a maintenance?—I cannot.

1297. Is it a rule with you to tender the poor-house to those who apply for relief, or do you give out-door relief at once?—We have not the power of doing it; our poor-house has been for a long while full; we have no alternative but to give them out-door relief.

1298. Lord *Naas.*] What is the yearly cost of a pauper in out-door relief?—About 1 *s.* 6 *d.* a head a week we allow a family; if there is only one, he gets a little more, perhaps 2 *s.*; but if there is a family of eight or nine, we average 1 *s.* 6 *d.* a head.

1299. And the cost of removal is about 17 *s.* 9 *d.*?—Yes.

1300. Mr. *Maguire.*] Are you certain as to the accuracy of the return which you gave of the number of Irish?—It has been prepared by a clerk on whom I very much rely.

1301. If you were told that there were from 25,000 to 30,000 Irish within the town of Bradford, would you be surprised?—I think I should be nearer being correct if I said 20,000. I will tell you how I arrive at it: the Roman-catholic priest told me that last year there were 600 baptisms, and it is found, from the Census Table, that it gives 31 persons for one baptism; 31 times 600 will be nearly 19,000. There are a few that are not Roman Catholics, and I put it down at about 20,000.

1302. That calculation is based upon the principle of a stationary population; it might apply more to the English population of the town than to the Irish; the same calculation which applied to the one accurately, might not apply to the other?—I am not sure about that.

1303. So that there might be 25,000 Irish in and about Bradford?—There may be; but I am inclined to think, from what I have learned from other sources, that I am correct.

1304. That assertion is based upon the calculation which you allude to?—It is.

1305. And which might be erroneous as applied to the Irish?—It might to a small extent; but the Roman-catholic priest told me that he thought the number 31 was too great, and considered that it should be 25 only; that would make it about 16,000.

1306. With respect to the Irremovable Act; how long have you been in Bradford in your official position?—I was elected about five years ago.

1307. For how many years did you act upon the idea that the Irremovable Act did not apply to the Irish?—My attention was only called to it particularly about the beginning of 1852.

1308. How many years after the passing of the Act was that?—I think it passed in 1846; I was elected in 1850.

1309. For three years, during the time that you were in office, you did not give the Irish the benefit of that Act?—I believe they had not always the benefit of that Act.

1310. Have you read the words of the section?—Yes.

1311. Have you the words there?—I addressed a letter to the guardians on the subject particularly as to the operation of the statute, so that, perhaps, I shall be able, with your permission, to give you the reasons which induced me to come to the conclusion that the Five Years' Residence Act was not applicable to the Irish.

1312. I should

1312. I should prefer your just answering the questions which I put to you; will you oblige me by reading the section of the Act?—To which section do you allude?

1313. The section which is the very pith of the Act?—Section 1 enacts "that from the 26th of August 1846 no person shall be removed, nor shall any warrant be granted for the removal of any person from any parish in which such person shall have resided for five years next before the application for the warrant."

1314. And you acted under the idea that that did not apply to the Irish?—I did.

1315. And the persons who preceded you in your office acted under the same error?—I do not know; I think they did not; I do not think their attention was called to it; on recalling the matter, I think it was considered that the Five Years' Residence Act did apply to the Irish. It was only in 1852 that the case came to be considered more particularly. I found out that they were removing them from other unions, and then I looked more particularly into the matter.

1316. You found at the time when you came into office that they were removing them freely from other unions, and you looked into the Act in consequence?—I did, and I believed that it did not apply to the Irish.

1317. What other unions, as you heard, did not give the Irish the benefit of it?—I think there was one or two unions in London; the Strand Union, for instance; and I think the Oldham Union.

1318. Did you hear of any others?—I did hear of others, but I do not remember them now.

1319. Do you remember any other?—I do not.

1320. Do you know, of your own knowledge, that there were Irish who had the right of non-removability, who were ordered to be sent to Ireland?—I believe there were.

1321. What did the magistrates say when a person under those circumstances was sent before them during the time of your being in office; did they consent to that; did they take the same reading of the statute as you did?—I believe not.

1322. Up to 1852?—Up to 1852 they did not; but a certain paper was presented to the Irish pauper, and he was sworn to it, without any particular inquiry being made into it; it was so much a matter of formality, that they did not look to it, and I am afraid that a party often swore what was not quite correct.

1323. Whose fault was that; was it the Irishman's fault?—No; there was a clause inserted in the examination that he had not resided for five years, and those particular words are not in the Schedule to the Act.

1324. You say that the Irish are turbulent and disorderly?—Yes.

1325. You also said that were it not for the Irish, your police force might be less than half what it is?—So the superintendent told me.

1326. What is your police force?—One hundred and ten.

1327. You left me, if you did not leave all the other members of the Committee, under the idea that you could manage the town of Bradford with 12 or 13 police if the Irish population were not there; is that your statement?—It is the statement of the superintendent to me, and by me conveyed to the Committee; of course I know nothing of it of my own knowledge.

1328. You say the police are 110 in number?—They are.

1329. In the Table which you put in will you refer to the part under the head of "Drunkenness;" I suppose it is in Bradford, as elsewhere, that the drunken people are the most turbulent and the most disorderly?—Yes, I think it is generally the case.

1330. And I suppose it applies to Bradford, as well as to any other place; look at the number of cases of drunkenness, English and Irish; just tot up the numbers, male and female?—Seventy-three English; 46 Irish.

1331. How can you reconcile these figures with the statement which you give upon *quasi* official authority to this Committee?—I do not know how to reconcile them.

1332. Do you find that there is something like an inconsistency in that?—There must be something else besides drunkenness to render the Irish turbulent.

1333. Do not you find that the drunken people are more inclined to fight, to make a row in the street, and to cause all kinds of disturbance, than others?—Generally.

1334. Then, if you find 73 cases of English and 46 Irish, do you think there is any justification for the statement, that if the Irish population did not exist

in Bradford, 12 policemen, instead of 110, could manage the town?—I should infer from that, that there are other causes than drunkenness; that they must be naturally turbulent without being drunk.

1335. Are the Irish in Bradford addicted to deserting their wives and families?—They are, very much indeed.

1336. Your guardians have frequently to complain of it, I suppose?—Very frequently.

1337. And the cases come before the magistrates very frequently?—They do.

1338. Will you turn to that part of the Table, under the head of "Neglect of Family," and contrast the number of English who have neglected their families with the number of Irish?—Neglect of family, 63 English, 8 Irish.

1339. Is that statement inconsistent with what you have known before?—I should have thought, from the experience of the Board of Guardians, that there must have been a great many more brought up for neglect of family.

1340. Do you find that there were 63 English cases of neglect of family, and only 8 Irish cases?—Yes, it is so stated here.

1341. I suppose that it is a reliable document?—I believe it to be so.

1342. You said that the Irish were not obliged to take relief; is not a man who has no means of employment, obliged to ask for relief; I know he is not driven at the point of the bayonet, but is he not driven by hunger or starvation to ask for relief?—I believe he would be.

1343. Why, then, did you answer an honourable gentleman by saying that such a man was not obliged to take relief?—What I mean by saying that is, that he is not obliged to be passed; they do not take him *vi et armis* to be passed. Sometimes relief is offered to him, and he does not go after all; he does not come near the officer.

1344. At the same time might not a man be as much compelled to apply for relief by hunger as if he were driven by main force?—I should think he might.

1345. Under circumstances of that kind, then, a man has no option?—Unless he can get relief elsewhere.

1346. You said that orders are made out for removal, but that the Irish are not removed, and, in fact, do not comply with those orders; what do you mean by that?—They do comply when they have been taken to the court-house, and the order has been made.

1347. In all cases do not they comply?—Yes.

1348. They have no power of resistance?—Unless they absolutely escape out of the way.

1349. The person who represents the guardians has the power of a constable?—Yes.

1350. And unless there is a violent rescue, there is no escape?—Not when once the examination has been taken.

1351. You say that some guardians take advantage of the accident of a poor person going from one parish to another; do the guardians of Bradford do so?—Yes.

1352. Do they consider that they are acting fairly and honestly in doing so?—It depends upon the character of the applicant; if the applicant was one never likely to be industrious, they would send the party away.

1353. In other words, they take advantage of a trick?—I do not think they wish it; I rather represent their desire to do away with that trick.

1354. You have no opportunity of offering the workhouse to the Irish?—None at present.

1355. Have you had within your official experience?—No; we have been almost always full; we have not had the opportunity to any great extent; the workhouse is small.

1356. You have had, on some occasions, the opportunity of testing the truth of an Irishman's statement by offering him the workhouse, I suppose?—We have had that opportunity.

1357. What did you find was the result; did they go into the work house?—Sometimes they did, and sometimes they refused it; I have known them refuse relief altogether, rather than go into the workhouse.

1358. Will you give me an idea as to your scale of dietary in the workhouse?—I have it here.

1359. Is it considered a liberal scale of dietary?—Yes.

1360. Do you give meat?—Twice a week.

1361. Is your discipline very strict?—Not particularly so; it is a very well-regulated workhouse; I believe Mr. Farnall, our inspector, considers it to be one of the best in the neighbourhood.

1362. And you have known that the Irish have frequently withdrawn their applications for relief, rather than enter the workhouse?—Yes.

1363. Mr. *Archibald Hastie.*] Does the fact of the Irish pauper withdrawing his application for relief arise from his being able to provide for himself otherwise?—Yes, it must, because he would otherwise go into the workhouse.

1364. Then *primâ facie* he applies for relief when he does not require it?—Very frequently he does.

1365. You have stated that the population of the district of Bradford is 120,000?—Yes.

1366. That includes a man, his wife, and two or three children?—It includes the general population.

1367. Are the 20,000 Irish, which you say is about the proportion, generally married, and having families?—Yes, I think they are generally.

1368. Almost uniformly?—Yes.

1369. Then in taking the census, half of these 20,000 would be women?—Yes.

1370. And a very large proportion children?—They would be, no doubt; children are very useful at Bradford; they are employed.

1371. So that the wool-combers, out of the 20,000, would probably be reduced in that way to about 2,000 or 3,000 altogether?—Now I should think they would be more perhaps; they at one time have been 10,000 or 15,000.

1372. Then the proportion of Irish at that period must have been much greater; out of the 20,000, of which you have spoken, I do not suppose there would be above 3,000 able-bodied men?—That must be wrong.

1373. You say that the Irish population is 20,000?—Yes.

1374. One-half of those are women; that reduces them to 10,000; if we took them on the average at three children to a family, would that be too many?—That is the general average, I believe.

1375. That reduces them to 3,000 able-bodied men, or, taking the men as one-fifth of the whole, it makes them 4,000; the whole of those 4,000 would not be employed at wool-combing?—Not all of them; but that has been the principal occupation of the Irish.

1376. Would there be half?—I should think more than that.

1377. You have stated to the Committee, that, in removing an Irish pauper, you think it would be necessary to send to the Irish parish to which he said he belonged a notice previously?—Yes.

1378. And to send the Irish pauper at the cost of the English parish to that parish in Ireland?—Yes.

1379. Would the parish in England have to pay the cost of sending him there?—They do now; they pay the passage over, and a little addition to that, which, I think, they would very willingly pay to have the pauper properly delivered.

1380. Do the Irish people state to you correctly, or do they know, generally speaking, the parish in which they were born?—I think they do know that; I believe they give that information; I never heard of their refusing.

1381. I do not speak of their refusing; but do they know?—I think they generally do.

1382. We have it in evidence that a very large proportion do not know?—I should not have thought that; I should have imagined that they must know where they were born.

1383. Supposing a pauper told you that his parish was in Galway, and when he was sent there at the cost of the parish in England, the parish said, "He does not belong to this parish; he has no settlement in this parish, and never had;" who is to take charge of him then?—I do not know; it would want some regulation for cases like that, no doubt; I think the law wants a little amendment on the other side of the water.

1384. Do not you think it is better to leave the inhabitants of each country to find out the parish to which their own countrymen belong than to put the onus upon a country which knows so little of their habits and their manners, and their practice, and the mode of finding out which is their parish; do not you think it would

would be better to put the onus of finding it out upon the country to which they were going?—Perhaps it would; but we should not be able to supply them with funds, unless some provision was made upon their arrival.

1385. As I understand you, on sending a pauper to Ireland, you send him to the nearest place?—To any of the ports.

1386. To the nearest; the practice, as appears upon the evidence, is, that you find him food for his passage?—Yes.

1387. And you give him a sum varying from 1*s.* to 2*s.* 6*d.* upon his landing?—Yes.

1388. Then, if he remains a pauper there, he comes upon the parish at the port at which he is landed?—I suppose he does; I never was in Ireland, and I do not know the operation of it.

1389. We have it in evidence that he comes upon the parish at the port at which he is landed; do not you think that that parish at the port at which he is landed, being in Ireland, the country of his birth, they could much more readily and more easily discover the parish to which the pauper belonged?—I should think they would.

1390. If power was given to the parish from which he was sent, in England, of recovering their expenses from the parish to which he belonged, would not it be equally efficient as if the English parish sent him to his own parish?—I should think it would; it would take away the present hardship which the poor seem to labour under when they get to Ireland.

1391. And it would also relieve the English parish from being chargeable for a removal to a parish to which a man did not belong?—I should think so.

1392. You stated also, that of the number of people in the workhouse at Bradford, 34 per cent. were Irish?—Yes.

1393. Are those generally old men and women, or children?—They are women and children chiefly; people that cannot work at an out-door test.

1394. Have you married people with them?—Some of them are; some frequently come in for the sake of being confined.

1395. Then, when you state that 34 per cent. are in the workhouse, they are not parties almost continuously residing there?—We have generally that number of Irish in the workhouse on an average; there is a change occasionally.

1396. What proportion of that 34 per cent. may be women coming in to be delivered?—I have no idea.

1397. Should you think one-half?—I should think not so many as that.

1398. One quarter?—I cannot say.

1399. They are chiefly women?—Yes, and a good many children.

1400. Have they no husbands in Bradford?—I do not know.

1401. Have they been deserted by their husbands?—Some of them have.

1402. What proportion?—That I cannot tell.

1403. Is there any record kept of who they are and what they are, and where they come from?—Yes; I believe the workhouse master has a book for that purpose.

1404. I think it would be very important if you could send us a table from the workhouse indicating the number of women with families, and whether their husbands are dead, or whether they have deserted them or not?—I will do so.

1405. Mr. *Grogan.*] Including all the women in the house?—Yes.

1406. Lord *Naas.*] And distinguishing the countries?—Yes; we really have no Scotch.

1407. Mr. *Maguire.*] Are there a number of Irish girls employed in the factories?—There are quantities.

1408. And a number of Irish children?—Yes.

1409. Of different ages?—Yes.

1410. Mr. *Alexander Hastie.*] Have you any Scotch population in Bradford?—A few; but they are very thrifty people; they seldom apply.

1411. I mean amongst your respectable classes?—Yes, a good many.

1412. Have you any idea of the number?—No; but I know there are a great many very respectable people.

1413. What is your poor-rate?—I can hardly tell you how much is applied for the relief of the poor; latterly they have made a rate of half-a-crown; I should think this year in all probability it will be as much as 5*s.* in the pound.

1414. Mr.

1414. Mr. *Grogan.*] That is for all purposes coming under the name of poor-rate?—Yes.

1415. *Chairman.*] Borough rate and so on?—Yes, all sorts of uses.

1416. Mr. *Alexander Hastie.*] A good deal has been said about these wool-combing machines; are there any parties employed at that handicraft now, or is it all by machines?—The wool is prepared by hand before it gets to the machine; they are employed in preparing for the combing, in drawing and spinning and weaving.

1417. That is all done by hand?—Yes.

1418. Have you any idea of the number of individuals employed upon these different operations?—I have not; they employ a good many Irish women and children in doing the work which I have just mentioned, preparing for the combing machines, and drawing, after it is taken from the machine.

1419. Are the parties employed universally Irish?—A good many of them are Irish, Irish children.

1420. Mr. *Ingham.*] Was it any particular clause in the Irremovable Act which made you and other guardians think that it did not apply to the Irish poor?—I published a letter which I wrote to the guardians in 1852; I shall be very happy to put it into your hands.

1421. *Chairman.*] I think it would be an act of justice to you that the grounds of your doubt should appear?—It would take me some time to state them; the Irish are never mentioned by name, and I thought it was exclusively an English Act.—[*The Witness delivered in the letter referred to.*]

Vide Appendix.

1422. Mr. *De Vere.*] With regard to the statistical return which you handed in with reference to the crime of the district, you mentioned that there were 500 cases of English crime, and 400 cases of Irish crime?—Yes.

1423. And you stated that the English cases amounts to 1 in 200 on the population, and the Irish to 1 in 50?—Yes.

1424. Looking through the return, I find that there are 126 cases of assault, 124 of drunkenness, 140 of vagrancy, 71 of neglect of family, 44 of gambling, and 54 pickpockets, amounting altogether to 559; are not those offences, namely, assault, drunkenness, vagrancy, neglect of family, gambling and picking pockets, the species of crime of which the poorest classes are convicted?—Yes, I believe so.

1425. I find 35 cases of robbery, 79 of another species, 89 of another, and 89 of another species of robbery, altogether amounting to 292, which may or not be peculiarly belonging to the poorer class?—Yes.

1426. The proportion of poor crime and of non-poor crime being 559 in the one case and 292 in the other?—Yes.

1427. You stated, in answer to a question put to you by an Honourable Member, that there are more poor Irish than poor English?—I believe there are.

1428. You also stated that there were 500 English cases of criminals, and 400 Irish cases of criminals?—Yes; I read that from the tables; I believe it to be correct.

1429. Then, if there are more Irish poor than English poor, and there are a smaller number of Irish criminals than of English criminals, would not the conclusion be, that the Irish poor population was better behaved than the English poor, from your own statistics?—I am not aware that I can make any reply to that question.

1430. Would not it be a necessary conclusion from your own statistics?—Experience does not prove that it is so.

1431. Mr. *Alexander Hastie.*] Is there not some mistake; is not the per-centage of Irish crime greater than the per-centage of English crime, taking the population?—It appears to be greater from that table.

1432. Is the per-centage of Irish crime to the Irish population greater than the per-centage of English crime to the English population?—I think it is; there is 1 in 50 of the Irish, and 1 in 200 of the English, according to that table.

1433. The per-centage of Irish poverty to Irish population is also greater than the per-centage of English poverty to English population?—Yes; we have not many very respectable Irish families living there.

1434. Lord *Naas.*] But are not the entire of the Irish population, speaking generally, poor?—Yes, I think they are.

1435. Mr. *Maguire.*] And the majority of the others are well to do; they include all classes, to the very highest?—They do.

1436. Rich and affluent?—Yes.

1437. Mr. *De Vere.*] There are more poor Irish than poor English. Your workhouse is intended to receive 400, and you state that it is generally full?—It has been lately.

1438. And that there are 136 Irish in it?—Yes.

1439. Therefore there would be 264 English?—Yes.

1440. Then, if the Irish poor population is larger than the English, and if the Irish poor in the workhouse are 136, whilst the English poor in the workhouse are 264, does it not follow that a smaller proportion of the Irish poor go into the workhouse than of the English poor?—Yes, I think it is so.

1441. To what do you attribute that?—I fancy they like the out-door relief best, when they can get it; though, when they once get into the workhouse, we find a difficulty in getting them out.

1442. Do you give them the offer of the workhouse accommodation in every case when you can do so?—Latterly we have not been able to do it, and they know pretty well that we have not room in the workhouse.

1443. Then how do you account for the fact, that whilst your poor Irish population is larger than your poor English population, you have a smaller number of them in the workhouse, seeing that you give them the option of going into the workhouse in preference to out-door relief?—I do not know how that happens; when there has been a vacancy, we have taken the first applicant, Irish or English.

1444. I see you mention on this paper, that three-fourths of the militia are Irish?—Yes, so I am told; I do not know it of my own knowledge.

1445. Mr. *Maguire.*] Had you that from good authority?—I had it from the authority of the superintendent of police.

1446. Lord *Naas.*] You say that the Irish frequently refuse to go into the workhouse?—Yes.

1447. The guardians, of course, have the power, but do they frequently, when a man applies for out-door relief, tender him the workhouse instead, as a test?—The paupers do not ask for out-door relief.

1448. But when they apply for relief?—I think they would apply the workhouse occasionally if we had room.

1449. When an applicant applies for relief, are the Guardians in the habit, if they conceive that he is not a proper object for relief, of tendering him the workhouse, instead of putting him on out-door relief?—I think they have done that, but not lately, in consequence of our being so full; they have not offered the workhouse, except the master at the beginning of the proceedings has reported that there is room.

1450. Do you think that if the workhouse were offered more generally to applicants for relief, it would deter persons from seeking relief?—I think it might.

1451. Do you think it would?—Yes, I think it would.

1452. Is the dietary liberal in the workhouse?—Very liberal, very good indeed.

1453. And there is no hardship accompanying workhouse residence?—None whatever; I often go there, and taste their food; I think it is exceedingly good.

1454. *Chairman.*] Have you read the accounts of the dietary of the Irish workhouses given before this Committee?—I have.

1455. Would public opinion, do you think, sanction bringing down our dietary to that?—I do not think the poor would like it.

1456. Would the ratepayers?—No, I think not; they like the poor to be well cared for.

1457. In your judgment, would public opinion in this country sanction a system of relief here which was almost wholly in-door relief, and so doing away with out-door relief?—We should have to extend our workhouses enormously if that were the case.

1458. Whatever was your workhouse accommodation, do you think public opinion would sanction the system being exclusively one of in-door relief?—I do not think it would.

1459. Lord *Naas.*] What would be the objection?—It would be almost impossible to supply workhouse accommodation for the immense quantities which we should have.

1460. Do you think that public opinion would be adverse to increasing workhouse accommodation to such an extent, that you would be able to administer the workhouse test in a far greater number of cases than now?—I think it would; I think

I think the guardians and the ratepayers would object to grant the accommodation; we had the greatest difficulty in getting leave to enlarge our present workhouse.

1461. On the ground of expense?—On the ground of expense.

1462. Merely that?—Yes.

Jovis, 22° die Martii, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. Maguire.
Mr. Ingham.	Mr. De Vere.
Mr. Locke King.	Lord Naas.
Mr. Dunlop.	Mr. Alexander Hastie.
Mr. Stirling.	Mr. Grogan.
Mr. Archibald Hastie.	Mr. Cheetham.
Sir Robert Ferguson.	

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

George Poulett Scrope, Esq., a Member of the House, Examined.

G. Poulett Scrope, Esq., M.P.

22 March 1855.

1463. *Chairman.*] I BELIEVE, for many years, you have been conversant with poor law questions, and have taken a great interest in that class of questions?—Yes; for very many years I have taken a great interest in the improvement of the poor law of England, and in the extension of its provisions to Ireland and to Scotland.

1464. Did you act as chairman of the Committee of Inquiry into the English poor law in 1838?—I did for a considerable time; afterwards, Mr. Fazakerly took my place.

1465. I believe you were also a member of the Select Committee of the House of Commons in 1847, to consider the subject of the operation of the Law of Settlement, and of the Irremovable Act of the 9th & 10th Vict. c. 66?—I was.

1466. Did you attend pretty closely throughout that inquiry?—Yes, I think I was there every day, and during the whole time of the sitting of the Committee.

1467. I believe the question as to the removals between different parts of the kingdom, from England to Ireland, or from Scotland to Ireland, was not in any way before that Committee directly?—No, it was not, I think, within the terms of the instructions to the Committee; but it was mentioned, I think, in one passage of the proceedings of the Committee.

1468. Did you come to any resolution at all upon that subject?—We negatived a resolution which was proposed upon the subject.

1469. What was it; can you turn to it; I think you have the proceedings before you?—Mr. Borthwick moved this resolution: "That poor persons, being natives of Scotland and Ireland, and being found destitute in England or Wales, shall nevertheless continue to be removable to Scotland and Ireland respectively, unless they have resided for three years within the parish wherein they are so found destitute." That was negatived, as far as I can recollect, upon the ground which I have mentioned, that it was not within the limits of the powers of the Committee to inquire into that branch of the subject.

1470. I believe there had been some evidence given incidentally in the course of the inquiry as to the state of things in Liverpool during the immense emigration of Irish?—There was some very strong evidence, I think, given by Mr. Rushton, the police magistrate of Liverpool, which made a great impression upon the Committee, as to the great amount of destitution caused by the sudden influx of Irish.

1471. Were you a member of the Committee on the Irish poor law in 1849?—I was.

G. Pouleit Scrope, Esq., M.P.

22 March 1855.

1472. Were you also Chairman of the Committee of Inquiry into the Management of the Union of Kilrush in 1850?—Yes.

1573. You have been a magistrate for a number of years, I believe, and an *ex officio* guardian of an English poor-law union?—I have.

1474. And in that way have had considerable practical experience in the working of the poor law?—I think so.

1475. Did you vote for the resolution before your Committee in 1847 for the abolition of the power of removal in this country from one parish to another, on the ground of settlement?—I did; I had long previously entertained a very strong opinion as to the expediency of abolishing the power of removal and the law of settlement throughout England, which was the sense, I think, of the resolution which we passed in that Committee.

1476. With reference to a question that has been put to a number of the witnesses here, in your judgment would the abolition of that power of removal between parish and parish in England necessarily require, as an act of justice to Ireland, that the power of removal to Ireland should be abolished?—So far from that I would venture to give an opinion, that any opposition on the part of Irish gentlemen, or gentlemen representing Ireland, to the passing of such a measure as was introduced by the Right honourable Chairman for the purpose of abolishing the law of settlement and the power of removal in England, appears to me unfounded, and scarcely to be justified, on the ground that the measure does not affect Ireland at all; it does not interfere with Ireland, and has no bearing upon it in any sense; on the contrary, its main object is that of assimilating the poor law of England to the poor law of Ireland in respect to the chargeability of its pauperism.

1477. Will you be so good as to point out in what respect you conceive that to be so?—In Ireland at present there is no law of settlement, and no law of removal; Ireland is one great area of chargeability. The object of the Bill of the Right honourable Chairman was to place England exactly in the same position; to make England one great area of chargeability, or rather of irremovability, and such a measure therefore would appear to me to have no unjust or unfavourable bearing, or any bearing at all upon Ireland; it is true that the Irish might reasonably desire that Ireland should be put upon the same footing as England will then be in with respect of the power of removal; that is to say, that Ireland should have the power of removing English paupers back from Ireland to England. That is a demand which I think the Irish might be fairly justified in making, inasmuch as the then laws of England and Ireland in respect to removability would be precisely on the same footing; although the term "injustice" has, I see, been applied by several witnesses who have already appeared before this Committee, I can see no injustice to Ireland or to the Irish in the proposal of the Bill for maintaining the two areas of England and Ireland distinct and separate, with a reciprocal power of removal from one to the other of their respective paupers; so long at least as the poor laws of the two kingdoms in their letter, and still more in their practical administration, are so essentially different, and even in some respects opposite, as they are at present.

1478. Your attention having been drawn so much to the poor laws of the various portions of the United Kingdom, will you have the goodness to specify to the Committee those points of difference which you think material, as bearing upon the present inquiry?—The poor law of Ireland is in its letter very different from the poor law of England or of Scotland. For example, in Scotland there is no power of relieving able-bodied poor; in Ireland able-bodied poor can only be relieved out of the workhouse under special orders of the Commissioners; in England able-bodied poor are entitled to relief in or out of the workhouse everywhere; but my opinion would rather be founded upon the differences existing between the practical administration of the law in the two countries, than on any difference in its letter; for, after all, as respects its influence upon the mind of a pauper, the real question is, what is the difference between the practical administration of the law and the facility of obtaining relief in the one country and in the other comparatively, and the amount of relief which he can obtain in one or in the other; it is upon this the question turns as to whether you can safely admit the poor of one country almost without stint or limit to relief in the other country, if they find their way there.

1479. What are the differences with regard to the facilities of obtaining relief

relief which you consider most important, with a view to our present inquiry? —In the first place, the greatest and most important difference is in the amount of out-door relief afforded in the two countries respectively; in Scotland, to begin with that, though it is not, perhaps, the strongest case, there are very few workhouses, and almost all the relief is exclusively out-door relief; in England, seven out of eight of the total number of paupers are relieved out of the house; that is to say, seven-eighths, or nearly seven-eighths of the relief afforded in England is out-door relief. In Ireland, out-door relief is almost at an end; there is scarcely any practically given at present; I believe by the last report the total number of paupers relieved out of the house in Ireland, was 1,510 out of nearly 100,000; it was about 1½ per cent.; while in England, as I have said, the number of in-door poor on the 1st of January 1853 was 96,968; the number of out-door poor 671,548, or about seven times as many, making the proportion of paupers relieved in-door to those relieved out-door only one in eight. Now, as bearing upon the claim set up on the part of the Irish poor to be irremovable from Scotland or England, these facts appear to me to be highly important, especially as the distinctive practice of Ireland is attributed by the poor law authorities in Ireland, and by Irish members, and Irish gentlemen generally, to the fact of the Irish poor being so peculiarly attached to out-door relief, that it would not be safe to property in Ireland to give out-door relief on a large scale. Well, but if this be true as respects Ireland, that the Irish poor cannot be afforded out-door relief with safety to property, surely Irish gentlemen must allow that the same argument holds good with respect to England; that to admit Irish poor generally to out-door relief in England would scarcely be considered safe to English property; or at all events, English proprietors and rate-payers may fairly hesitate to abolish the existing check to the claims of Irish poor among them.

1480. Does it appear to you that the amount and quality of the in-door relief administered in the workhouses of the two countries, England and Ireland, form an important consideration in this question?—Decidedly so, though in an inferior degree, because, as I said, it is probable that only one out of eight, even of the Irish paupers, could be exclusively relieved in-doors. But, with regard to the in-door workhouse relief alone, England, I believe, offers a very great superiority, greater liberality, in the character and amount of relief. I have compared the dietaries in the workhouses of the two countries, and I find that, in the English workhouses generally, three full meals are given daily, including meat three or four times a week, and a great variety of superior food at all times, such as pea-soup, potatoes, milk porridge, rice, bread, cheese and coffee. In the Irish workhouses but two meals a day are given, and nothing after two o'clock in the day till breakfast the next morning, and these meals consist chiefly of Indian meal stirabout, some milk and bread, and in some unions, but not everywhere, vegetable broth, but without any meat at all. I have reason to think also, that in respect to classification and discipline, the English workhouses are superior to the Irish.

1481. Mr. *Ingham.*] More indulgent?—More indulgent.

1482. *Chairman.*] With regard to the differences which you have pointed out, do you think that public opinion in this country would allow you to depart materially from that which is the practice in the English workhouses?—I am quite sure it would not. I believe that there are many persons in this country who think the relief habitually given to pauperism here is too liberal, and that there should be a more stringent system; something which would more nearly approximate to the Irish system; but that has been always effectually resisted by the influence of public opinion in this country, and no greater proof of that fact can be given than that which I have mentioned; that I believe for a great many years past you will find, upon examination, that the proportion of out-door relief to in-door relief, being so large as I have mentioned, has habitually remained much about the same; that is to say, in the proportion of six or seven to one: public opinion in England not tolerating the principles upon which the Irish Commissioners have worked the law of Ireland, that relief should be exclusively given, or nearly so, in the Irish workhouses, and out-door relief almost refused.

1483. With respect to our workhouses, I believe that, by the law of England, there is no power in the Poor Law Board to compel the building of a workhouse?—No, I believe not.

1484. And many of the workhouses are so small, as compared with the population of the union, that it would be physically impossble to adopt in-door relief

with regard to the pauperism of the union in that state of things, would it not?—Certainly. I am sure there would be the greatest possible resistance on the part of English rate-payers generally to any large extension of workhouse accommodation in this country, on the ground that we were going to admit the Irish poor to a much larger or more liberal amount of relief than they are afforded at present in their native country, and that the influx of the Irish poor necessitated such an increased accommodation.

1485. What do you think of a suggestion which has been made before this Committee, that you might treat the two classes of poor differently; that you might treat the Irish poor upon the same footing as that on which they are treated in their own country, and continue to treat the English poor as they are now treated?—I cannot believe for a moment that public opinion, either in England or in Ireland, would countenance any distinction being made in the amount of relief, or the nature of the relief afforded to Irish paupers, as compared with English. I think, if you had two men before you claiming relief, equally destitute, the one being an Englishman, and the other an Irishman, and both entitled to relief by law, it would be a most invidious distinction, which public opinion would not tolerate, if one were to be relieved out of the workhouse and the other in, merely because he was an Irishman.

1486. Or to have a different scale of dietary in the workhouse?—That would be still worse.

1487. Has your attention been called to an answer which was given here by Mr. Power, the chief of the Irish Poor Law Commissioners, in which he expressed a doubt whether the superior liberality of the English system of relief, as well in regard to facilities for obtaining it in any shape, as in regard to its nature, amount, and quality when obtained, would have the effect of attracting any number of Irish poor and destitute, or on the verge of destitution, to this country?—Yes; I cannot but express some surprise at finding Mr. Power give such an opinion, inasmuch as I cannot help thinking that Mr. Power regarded the question rather in an Irish point of view, as an Irish Commissioner, who has obtained and deserves, no doubt, great credit for the effective manner in which he has worked the Irish poor law, and the great reduction in the amount of pauperism that has been obtained under his management; he must naturally be supposed to have a bias in favour of still further reduction, and his feeling may be, that such an equalization of the rights of the Irish and the English in England may still further tend to reduce the amount of Irish pauperism. But Mr. Power himself, in his evidence given before this Committee, at No. 773, states that the higher wages of England do induce a very large immigration of Irish labourers into England. Then is it not likely that the higher relief obtained in England would also induce a large immigration of Irish paupers if they could contrive to get over? But Mr. Power says also, that even in Ireland, at present the tendency of people who are badly off is to move from the country into the towns, impelled by these motives: first, that they find there a better field for employment; next, that if they cannot find employment, the towns offer a better field for begging; thirdly, that the workhouses in towns are conducted on more liberal principles than those of the country unions. He says, in spite of all the efforts of the Commissioners to obtain uniformity in the dietaries, discipline and classification of all the workhouses of Ireland, still there are differences, and there is consequently a predilection for the workhouses of the large towns which are attractive to the paupers. Now it seems to me clear, that in all these respects the attractiveness of England and the English system of relief to paupers must be infinitely greater; first, there is that immense attractiveness of the proportion of out-door relief afforded in England as compared with Ireland, seven in every eight of the paupers may fairly expect to be relieved out of doors, for which it is said the Irish have such a predilection. Then the relief afforded within the English workhouses is, as I have shown, superior in point of dietary, and discipline, and classification, to the relief in the Irish workhouses; and, consequently, upon Mr. Power's admission, would be more attractive to the Irish poor; thirdly, there can be no doubt that as regards employment, or a field for begging, England offers a much greater attractiveness to the Irish poor than Ireland itself; therefore it appears to me that, taking Mr. Power's own argument, there is every inducement to the great bulk of the Irish paupers, who are, as he phrases it, badly off in their own country, to come over here, urged by the cumulative influence of what he calls the attractiveness of all these superior advantages possessed by England

over

over Ireland. Now it does appear to me that the mere difficulty of crossing the sea between Ireland and England is not such a check as we can fairly be expected to trust to for the purpose of preventing such an influx of Irish pauperism; it was proved in 1849 that large numbers of the Irish poor were brought over at a very cheap rate; I think it was 6*d.* or 1*s.* a head; and even some, I think, were brought over as ballast, or for nothing; and though it is said that the cost of freight is now very considerably higher, and that the Irish proprietors are not so anxious to remove their poor as they were at that time, yet still we do occasionally hear of Irish evictions even at the present day. In fact, looking at the question as men of business and in a practical sense, it seems to me that no doubt can exist as to the desire on the part, both of the paupers themselves and of all who can exercise an influence over them at home, to induce or to enable them to come over to this country, if possible; for the paupers of Ireland do not consist of a permanent body, composed of the same individuals always relieved in the workhouse; but they are a fluctuating body, sometimes out and sometimes in the workhouse. Then, moreover, there is a large class who have not, perhaps, yet entered the workhouse, but are likely to do so from being on the verge of destitution. Now, it is known to all parties in their immediate neighbourhood, that if they enter the workhouse in Ireland, and accept relief, the cost to the neighbourhood will be at the rate of 2 *l.* or 3 *l.* per head per annum. Therefore there is a strong inducement for the rate-payers and neighbours to assist the struggle of these parties to come over to a wealthier country like England, where there is a possibility, perhaps, of their being able to maintain themselves; and, without imputing to Irish gentlemen or rate-payers any direct intention of saddling upon England the burthen of maintaining their paupers, yet it is quite obvious that it may be considered justifiable in them, when a poor person with a large family comes to them and says, "I cannot live in this country; I shall very shortly, perhaps, become a burthen to you, if I am not helped over to England, where I think I could maintain myself." It is very natural that friends and neighbours should assist him in doing so; and without analysing their motives too closely or too invidiously, it is quite fair to conclude that in a great number of instances such assistance would be given. Then the poor themselves who are verging upon pauperism, may be able, in a vast number of cases, to save from their earnings in the harvest or their means a sufficient sum to bring them over to England; and the attractiveness which I have already spoken of will induce them to come over, if possible, even without the assistance of their neighbours. In the result, I cannot help believing that a very large proportion of the poorer classes of Ireland will find their way over to this country, and will very shortly, if not immediately, become a burthen to the English poor-rates.

1488. Then do you arrive at the conclusion that the repeal of the existing power of removal of the Irish paupers from England to Ireland can really not be demanded as an act of justice to Ireland?—Decidedly, under those circumstances, so long as the law and the practice of the law differ so materially as they do at present in the two countries; and in speaking of England I include Scotland; for in most respects the argument equally applies to Scotland. I cannot believe that such a claim could be set up in justice. If the Irish law were assimilated in its letter and its practice to the English, I should then see no difficulty in the matter; but I believe that the Irish gentlemen who are most anxious to abolish the power of removal of Irish paupers from England to Ireland would be the very first to refuse their assent to any assimilation of the poor law of Ireland, in practice, at all events, if not in letter, to that which I have stated to be the liberal system of relief adopted in England.

1489. Then, besides your opinion that taking away the power of removal cannot be demanded as an act of justice to Ireland, I understand you to be of opinion that it could not be conceded with justice to the rate-payers of England and Scotland?—Certainly; I see that Mr. Power in his evidence admits that it would be a great hardship on the English rate-payers if any number of Irish poor were to come over, and suggests, as a protection for them, the imposition of a month's imprisonment for the offence, if proved, of coming over expressly to obtain relief, but for a practical man that seems to be a strange suggestion. I cannot understand how the animus of the pauper, his intention in coming over from Ireland to England, can be proved to the satisfaction of a bench of magistrates, so as to justify a month's imprisonment, unless in some very extreme case of a miserable

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cripple being brought over, who it is clearly impossible can earn anything; but the large class of cases which form the majority of Irish paupers, for example, widows with large families, or infirm men with wives and children scarcely capable of work, might all fairly say that they came over to England in the hope of getting work. Perhaps they would struggle to maintain themselves by begging or other means, or by some sort of work for a few weeks, and then apply to the English Board of Guardians where they happened to be, for relief; and it would be very difficult, if not impossible, for a magistrate to convict any such parties of having left Ireland with the express intention of obtaining relief. So that I am surprised that Mr. Power should say, as he does in one passage of his evidence, that he relies with confidence on a provision of this kind, to prevent any influx of destitute Irish into England.

1490. Is there any further information upon the subject of the existing law with which you can favour the Committee?—No; I think I have no facts of any novelty or of any importance to communicate to the Committee upon the subject of actual removal.

1491. Will you have the goodness to suggest any improvements which have occurred to you as practicable in the existing law or practice?—I am quite aware that the existing law produces very great hardships, both upon the paupers themselves, who are liable to be removed, and upon the unions belonging to the ports into which the Irish poor are transferred. But I think it would be by no means difficult to adopt improvements in the present law which should obviate those disadvantages. For example: with respect to the hardships on the paupers themselves, of course it should be prevented as much as possible, in the first place, by securing their proper treatment during the passage, and by requiring them to be delivered over by the party who takes care of them to the poor law authorities at the place where they land. Moreover, I should say that they should in no case be removable if they could prove that they had resided for five years, not merely within the same parish as at present, but within the same union, or even, I think, it would not be difficult to allow proof in the nature of a certificate of some kind, of their having resided industrially in any part of England for five years. That would mitigate very greatly the hardships to the individual paupers. Then, with respect to the injury sustained by the ports, such as Cork, or Belfast, or Dublin, to which the paupers are removed, it seems to me that it would be very easy to allow them to charge the maintenance of such paupers as they receive, belonging to any part of Ireland, to some general fund, in the nature of a rate-in-aid, at all events for a time, which would diminish the peculiar burthen upon them; for I should be very unwilling to see it transferred to the particular union to which the pauper was said to belong in Ireland, because that would introduce into Ireland the evils which we are attempting to get rid of in England, of settlement and removal; but I see no objection to their being maintained, for some time at least, by a general rate-in-aid.

1492. Some legislation would be necessary for that purpose, I presume?—No doubt.

1493. Is there any further suggestion which it occurs to you would be useful to us with reference to the subject of our present inquiry?—I think not; but before I conclude, I should like to be allowed to say, that I hope that the evidence which I have given will not be considered as reflecting in any degree upon the character of Irish Poor Law Administrators, or ratepayers. I think a great deal is to be said in favour of the system now adopted in Ireland, a more stringent system than is practised in England. The law is new in Ireland within the last few years, whereas in England it is a portion of the old established institutions of the country, having been on the statute book for 300 years; consequently public opinion in Ireland is not so sensitive upon the subject as it is in England, nor has our population the same habits and character; the Irish have been for centuries habituated to something like an organized or licensed and universal mendicancy, and they naturally, therefore, are inclined to lean upon charitable provisions to a greater extent than the English population I think does: therefore the administration of the Irish poor law may be justifiably of a more stringent character than that which can be safely administered in England; but for that very same reason I think it would be unsafe to admit the great bulk of the poor of Ireland to a participation in the more liberal system of English relief. The same argument, in fact, which induces and justifies a more stringent administration of the law in Ireland is my reason, and my principal

principal reason, for refusing to admit the Irish pauper population to the benefit of the more liberal system which prevails in England.

1494. Mr. *Archibald Hastie.*] Did I understand you correctly that a five years' industrial residence in England should make a pauper irremovable to Ireland, or am I to understand that it is five years' industrial residence either in a union or in a parish?—I have not considered the matter very deeply with the view of drawing up any legislative provision, but it appears to me that if a poor person were allowed to obtain from the authorities in any parish or union in which he has resided for one, two, or three years, anything short of five years, a certificate of his having exercised there for that time his independent industry, that certificate could be produced by him upon his examination for removal; if one or two certificates so produced by him were to show that he had resided industrially in England for a term of five years, that might be an exemption from the liability to removal.

1495. Then when he was quitting the parish in which he had resided, he would apply to the parish authorities for a certificate that he had resided there a year or two years without coming upon the poor's roll?—Yes.

1496. Then he would go into another parish and reside there, say for six months; are the Committee to understand that he would receive from that parish a certificate of the six months' residence?—Yes.

1497. And so on with certificates, removing from parish to parish, until he had completed his five years' industrial residence?—That is my meaning, though I should think it undesirable that he should be allowed to accumulate many very small terms of residence; nothing under one year perhaps should be accepted as worthy of obtaining a certificate.

1498. These certificates, I presume, would be continuous?—Yes; the subsequent entries might be endorsed on the original certificate, something like a foreign passport.

1499. Any two years, without a certificate, out of the five years' industrial residence, would destroy it?—That would be two years passed in Ireland, or out of the country, because if he had passed two years in an industrial employment, or in an independent maintenance in any union in England, he would under my supposition be authorised to demand and obtain a certificate from the union authorities; but I have really not considered that proposal so closely as to be able to give in detail my recommendation upon it.

1500. Suppose this case: suppose a man resides two years in a parish industrially, and he applies to the proper authorities to receive a certificate of having done so. He goes into the next or some other parish, and he is there one year also industrially employed, without having received parochial relief; he gets his certificate, and goes for the next twelvemonths, he can produce no certificate; but he comes to the fifth year, for which he does produce one; would you call upon the pauper to account for the one year, consecutively, for which he could not produce a certificate?—No, I would not; I think it would be hardly fair upon him. He might be wandering about the country in search of work for 6 or 12 months, and take a job here and a job there, and not reside permanently anywhere, and be unable for that time to obtain a certificate. I think if he can show sufficient proof, in the judgment of the magistrate before whom he is brought, supported by these certificates, that he has resided industrially in any part or parts of England for five years, I should exempt him from liability to removal.

1501. Then, although he had received parochial relief between the certificates, you would still continue to give him an industrial residence certificate?—That involves so great a nicety, that I should be slow to give an opinion upon the point. If he had received parochial relief in the interval during which he had industrially maintained himself, he might have been sick and received medical relief, which it would be hardly fair to put against him.

1502. You are aware that any medical relief to a man in those circumstances is not regarded as parochial relief; at least, it is not so in Scotland?—It is in England.

1503. Then, if you did not allow the receipt of parochial relief between the terms of these certificates as being a bar to the man's future getting upon the poor-roll, do not you think it would destroy the whole spirit and intention of the five years' industrial occupation within the country?—No, I think not. It is difficult to say what the precise view or feeling of Parliament was in enacting that a five years' residence should confer irremovability; but I am scarcely aware whether,

whether, even at present, a person may not receive medical relief in sickness, and yet retain his irremovability during the five years; in England, I believe, he certainly may.

1504. Do you think that three years' consecutive industrial residence in any one parish or union would be a better mode than five years in England?—I should be very sorry to confine it to residence in a parish; I think upon the whole that five years is not too long a term. I have heard from many Irish that the disposition to come over is so great, that I think they would wander about and maintain themselves during the three years, with a view of obtaining permanent relief afterwards.

1505. But that five years' industrial residence in England must be coupled with the certificates which you mention?—I think it might be so advantageously.

1506. Mr. *Ingham.*] Would not the form of certificate which you have hinted at, resemble very much the "livret" which every workman is bound to have in France, stating the commencement and termination of each particular service?—I think so.

1507. Unless he can produce which, he is apprehended as a vagrant?—Yes; it is something of a precedent for it.

1508. You said that it would be holding the pauper too strictly, to say that every week of the five years was to be employed in industrial service; might not the onus of proof be thrown upon the removing parish in this way. If he had originally a certificate, identifying him, so that the certificate could not be handed from person to person, it would be merely requisite that the relieving officer should impress upon the certificate the date of the relief, then the presumption would be that if he remained without having received relief, he was sustaining himself?—Certainly.

1509. There would be no hardship upon the man then to account for small fragments of his time, but unless there was some stamp denoting that relief had been given, it would be a reasonable inference that he had been maintaining himself upon his independent means?—My object would be, to establish a system which should reduce the extreme hardship to which the Irish poor are occasionally liable at present, having resided perhaps for 10 or 12 years or 20 years even (I have heard of such cases) in England, but not having resided consecutively for the last five years in any one parish; they are at present removable, and I think some simple form of proof might be afforded them of their having resided industrially for five years in any part of England, leaving it discretionary to the magistrate to accept that proof or not, according to the principle of *valeat quantum.*

1510. *Chairman.*] Would you leave the Act as it is now, discretionary, with the magistrates to make an order, and not compulsory upon them; you are aware that now, it is "lawful for" the magistrates to make an order?—Yes; I think I should leave it discretionary with the magistrates.

1511. Mr. *Alexander Hastie.*] Might not the system of five years' industrial residence in any parish in England be injurious to the parish in which the pauper at last might become chargeable; he might have been industrially employed for four-and-a-half years, say in Lancashire, and for the next six months residing in Yorkshire, and become chargeable to the Yorkshire parish where he had really not given his labour?—No doubt; but that hardship, I think, under the system which we contemplate, of the total abolition of all settlement and power of removal within England, every union or parish in England would be exposed to. A native of any parish may work for the greater part of his life in that particular parish, but he leaves it, and at the expiration of six months becomes chargeable to another parish. If we abolish the power of removal he must be still maintained by the parish or union in which he happens to be; therefore only the same hardship upon English or Scotch parishes would continue with respect to Irish, that would exist with regard to English paupers.

1512. I suppose you are also of opinion that it would be a sort of compensation for the exchange of paupers?—No doubt.

1513. Have you formed any idea what extent of accommodation in workhouses should be provided in comparison to the whole of the population; what accommodation should be provided by a parish for their own poor in ratio to the population of that parish?—Does the Honourable Member's question refer to the present state of the law, or assuming that the Irish paupers are no longer removable?

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1514. The present state of the law?—I am not aware of any calculation as to the proportion of workhouse accommodation required; but if, as I have stated, it is a fact that only one out of eight of the existing paupers are relieved in the workhouse, that would give something like an approximate scale.

1515. Do you think that one out of eight is a sufficient amount of accommodation?—Not a sufficient amount of accommodation, because there always must be a very considerable margin to secure safety in the administration of the law; there must always be a certain space left unoccupied in the workhouse, except in times of emergency.

1516. Lord *Naas*.] You say that the amount of relief given in the English workhouses is better than it is in Ireland; upon what principle do you think that the diet in workhouses ought to be regulated?—I very much agree with the principle laid down by the Poor Law Commissioners, that the usual fair diet of the independent labourer should be taken into consideration, and the dietary of workhouses carefully regulated somewhat below that scale.

1517. Do you think that it is a fair principle to lay down, with regard to the dietary, that an inmate of a workhouse should receive pretty nearly the same amount and quality of food as he would receive if he were following his usual avocation out of doors?—I think, under some circumstances, such perhaps as have prevailed in former times in Ireland, there is a natural limit at which wages and the remuneration for labour in Ireland have arrived; a minimum below which you can hardly, with safety to life, go in the dietary of workhouses.

1518. I am speaking generally?—I have already said, that I think under ordinary circumstances, when the remuneration for labour out of doors is tolerably good, it is desirable to bring the dietary in workhouses to a lower scale than that of the independent labourer.

1519. Do you think that the dietary given in the Irish workhouses is generally equal to what is used by the labouring agricultural population when they are in employment?—No, I conceive it to be very much below that; I should hope that wages in Ireland have already risen to a point which will enable the independent labourers of Ireland to live on a much better scale of dietary than can be obtained in the Irish workhouses.

1520. Then are you of opinion that the diet given in the Irish workhouses is lower than the poor are accustomed to generally outside?—I should believe so; it is two meals a day, and chiefly of Indian meal; I imagine the great bulk of the independent population of Ireland live upon a superior diet to that.

1521. Have you visited any of the Irish workhouses lately?—I have not.

1522. Have you heard any complaints made with regard to the health of the inmates in consequence of the deficiency of food?—I have not; and I beg to say that I find no fault with the dietaries of Ireland, or the stringency of the system of relief adopted in Ireland; my argument went entirely upon the necessity of maintaining a higher scale of relief in England, and the danger therefore of admitting the Irish paupers, who are at present maintained upon a much less liberal scale, to the English system without any check.

1523. Are you aware that even now, since the pressure of the famine has decreased (in fact there is no pressure of that kind happily now), the general appearance and health and strength of the paupers increase very much after they have been some time in the Irish workhouses?—I have no doubt that is so; from my experience even when I was last in Ireland, which is some years since, the paupers did not appear unhealthy in the workhouses at all; on the contrary, the greater number of them were a great deal too fat, I thought, for health, the women especially; they seemed to require more air and more exercise.

1524. Then you think there is nothing to be said on the score of inhumanity as against the treatment of the paupers in the Irish workhouses?—I should not use so harsh a word as inhumanity; but I must say, I should think that three meals a day would not be too much with such a low diet as is there given.

1525. Do you not think that, looking at it as a question of humanity, the treatment of the paupers in the workhouses in Ireland has far greater advantages than a system of out-door relief?—I am not sufficiently intimate with the condition of Ireland at the present moment, and since 1849, when I think I last visited it, to be willing to criticise, or to throw any blame upon the Irish Commissioners for their present system of relief.

1526. Eighteen hundred and forty-nine was in the middle of the famine, was it not?—Shortly after.

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1527. Do you not think that the system of in-door relief affords, besides the mere relief which it gives to the poor, great opportunities for education and industrial instruction and improvement, particularly to young persons?—Remarkably so; I should be very desirous of continuing it in the case of young persons.

1528. So that it combines not only sustenance to the pauper, but in many cases gives him a chance of bettering his condition afterwards?—I think so, as respects children, and I think also that the Irish workhouses have carried out much further than the English workhouses have done, and in a much more beneficial manner, the system of instruction in what are called common things, elementary agriculture and industrial employment.

1529. Do you not think that that must eventually have the effect of decreasing pauperism, and consequently lightening the rates; that it is money well spent?—Certainly.

1530. Then would you not be in favour of the extension of that system to a certain degree to England, a system which combines so many advantages?—I think the Noble Lord will find that in England we generally admit the children to our workhouses with the view which he is speaking of, and that the great bulk of our recipients of out-door relief consist of infirm persons past all work; occasionally widows and some of their families, and the sick poor, those who are reduced to destitution by sickness and require temporary relief. But in Ireland all these classes are refused out-door relief.

1531. Then is it your opinion that out-door relief should be almost exclusively confined to those classes?—I prefer leaving it discretionary with the Boards of Guardians, as it is at present in England, to draw the line between those who should be relieved in the house and those who should be relieved out of it.

1532. I am only asking for your own opinion?—I have had no reason to find fault with the exercise of that discretion on the part of English Boards of Guardians generally; those Boards which I have attended have exercised, I think, a sound discretion in drawing that line.

1533. With regard to the sick, do you think that the sick poor can be as advantageously treated in their own homes, particularly in cases of infectious diseases, as they can be in the workhouse?—I think in cases of infectious diseases it should always be open to them to be removed to the infirm ward or the infirmary of the union workhouse; but in England it is the habit of Boards of Guardians to consult more the feelings of the paupers, who are excessively unwilling, in the case of sickness occurring in one or two members of their families, to be removed from their residence, and their friends and neighbours who attend upon them very kindly, and from whom they experience much greater kindness than they are likely to meet with in the workhouse.

1534. Then you think from not being accustomed, to any great extent, to workhouse accommodation in England, the feeling of the poor themselves is against it?—No doubt the greater number of poor prefer out-door relief to in-door relief; but I have met with very many instances in which, in case of infirmity from old age, and when poor persons have lost all their friends, and have had no longer any tie or attachment to the parish in which they have resided, they have preferred to be relieved in the workhouse.

1535. In fact the English poor have never been accustomed to an organized and extensive system of in-door relief?—Only in the proportion to the total amount of pauperism which I have mentioned.

1536. I think you said that you were in favour of the abolition of the present law of settlement and removal in England?—Unquestionably, within England and Wales.

1537. Is it a fact that the great immigration of Irish paupers is caused by the attraction of the great seats of industrial occupation in this country; in fact, that they come here for work?—The Irish labourers come over in great numbers for work, and some of them bring their families with them, and ultimately they and their families often become paupers.

1538. Do not you think that the principal object in the Irish poor people coming to England, is to seek for employment, and to better their condition?—At present I think it is, but if the fear of the liability to removal were put an end to, then I am afraid there would be an immigration of a different class.

1539. You do not imagine that the Irish poor come over in any great numbers for the mere purpose of getting the better sort of relief which is afforded under the English poor law?—I have no reason to believe that large numbers come over

over for that purpose at present, since they know that they are liable to be removed back again upon their first application.

1540. In fact, they are attracted by the enormous quantity of employment that is offered to persons in England, as compared with Ireland?—No doubt.

1541. Supposing a case should happen, as it has happened before, that a change of the seat of industrial occupation in England should occasion a great migration of the poor, do you think, assuming that the present law is abolished, that a power should be retained of sending the English poor back to their original place of residence. Suppose your plan were carried out and the law of settlement and removal should be abolished, and suppose, as has happened, for instance, in the case of Sussex, that there should be a very large migration of English poor from a certain part of England to a seat of industrial occupation, do you think that that manufacturing district should have the power of removing those paupers, if the pressure should be too great, back to their original place of residence?—No; that would be inconsistent with my original opinion, that the law of settlement and removal should be abolished.

1542. Then in what respect does the case of those paupers who have originally migrated from Lancashire to Sussex, differ from the case of the Irish paupers who have come for the same purpose?—Simply thus; that the law respecting the relief of the poor and the practical administration of relief to the poor, in the facility of obtaining it, and the extent to which it is obtained, are uniform throughout England, whereas they are not uniform between England and Ireland, and therefore the cases are entirely different.

1543. Are they not uniform as between England and Ireland in this way, that a sufficiency of relief is granted to the poor in both cases?—In the case which you propose, I see no inducement for the migration of large bodies of poor from different parts of England to a manufacturing district, for the purpose of obtaining relief there, nor any fear that the unions would be permanently burdened with an unfair amount of relief.

1544. Has not such a thing occurred to an enormous extent in England; for instance, we will take the case of Sussex, where a large population was employed not a great number of years ago in the iron manufacture. That population has enormously decreased; numbers have left that part of England, and gone to the north; they have followed the course of manufacture. Suppose that a great industrial occupation should be removed from one part of England to another (we will say, for instance, that a manufacture which is now in progress in one part of the country, should be entirely removed to another), do you think it would be fair for the new district to have the power of sending their paupers back to the old district from whence they came?—My answer is, that I have already given my opinion that if the poor-law, and the practical administration of the poor-law, in England and Ireland were identical, as they are in the case supposed by the Noble Lord, between the different districts in England, I should see no objection, but, on the contrary, I should be in favour of establishing the non-removability of the poor from one island to the other; but the opposite being the case, I think that a great inducement and attractiveness (to use Mr. Power's phrase) exists in the more liberal system of English relief to draw into England, not Irish labourers such as are wanted in England, and welcome, but Irish paupers; and that is a risk against which, I think, the English rate-payers have a right to be protected, so long as the difference in the present law exists.

1545. Then you think that in the case which I have put, you would not be inclined to maintain the power of removal?—Certainly not.

1546. The present law is, I think, that it is necessary for a pauper to have a five years' industrial residence in a certain parish in England, in order to prevent removability?—Yes, it must be residence for the last five years within the parish in which he applies for relief.

1547. Do you propose to reduce that time?—I should not reduce the term, but I should extend the area within which that residence should be counted, at all events to the union, and perhaps even to the whole country.

1548. In fact, as regards England and Ireland, you would have two great areas of chargeability—Ireland and England?—Precisely; upon the ground that the law differs in each.

1549. Supposing that you made only those two great areas, do you not think that industrial residence in any part of England ought to be sufficient to prevent

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the power of removal to Ireland?—I think so, if it could be practically carried out without the danger of imposition and litigation.

1550. So that it is your opinion that after a pauper has been five years resident in any part of England the power of removal should cease?—If he has been resident earning his maintenance independently by industry, or in any other way, and has not been in the receipt of relief.

1551. Mr. *Maguire.*] I think you said, that you were one of those members of the Committee who were for the abolition of the law of removal, as regarded England and Wales?—Yes.

1552. And you said in answer to the Noble Lord, that you were unquestionably in favour of it?—Yes.

1553. Will you have the goodness to state on what grounds you are in favour of it; what are the motives which induce you to come to that conclusion?—My general reason would be a desire to give complete freedom to the circulation of labour throughout the country, and I think too, that the present system has entailed very great hardships upon individual paupers who, after residing for a long time in one part of the country, are frequently removed to other parts where they have no remaining connexions.

1554. You think there is a great national evil, as well as an individual injury, involved in any obstruction to the free circulation of labour?—I think the evil is very considerable.

1555. Assuming that that law of removal is done away with, how do you suppose it would operate upon an individual; would it not operate in this way: if the law of removal and settlement were done away with, might not a man come, say from any part of England to another, and after one week, or after any period of time, might he not go and apply to the parish authorities for relief?—Yes; but his case would be taken on its merits; he must prove that he is destitute, and if he is destitute he will have a right to relief; but there would be in that respect an interchange between different unions throughout the country; it would be probably as broad as it is long to them all.

1556. Suppose an operative leaves Manchester to-day and comes up to London, and in two or three days afterwards (I assume the law to be abolished between England and Wales), not finding work immediately for him, applies to the parish authorities, by the law which would then exist they would be compelled, I take it, to give him immediate relief?—Yes, in some shape or other.

1557. *A fortiori*, a man who has come from Manchester, and had three months' employment here, but who finds himself destitute in consequence of the suspension of that employment, has a direct and positive right to immediate relief in case of necessity?—There is no *a fortiori* in the case; the one is upon a par with the other.

1558. Then a man who leaves one district of England, or comes from Wales to England, and finds himself, on his arrival in a particular parish, in want of relief, goes to the relieving officer, and that relieving officer by the law is bound to give him that relief?—Yes.

1559. Is that quite clear?—I think so.

1560. I think you are anxious, as far as you possibly can, to extend the same meed of justice to the people of Ireland as to the people of England?—No doubt of it.

1561. How can you possibly reconcile these two different states of things, that one law should exist which should allow an Englishman to go from one part of England to another, and get immediate relief wherever he goes, and you would retain a law which would enable the parochial authorities to turn off to his own country any Irish labourer who happened at the end of two, three, four or four and a half years to find himself destitute?—The grounds of my opinion, which I have already given, are a sufficient justification, in my view, for the difference which would be established between the mode of treatment of an Irishman and of an Englishman. The Irishman, I must say, would have a perfect right if he were destitute in any parish in England, to immediate relief, until he could be passed back to his own country; but my opinion is, that the system of relief in England being, from differences in the poor-laws of the two countries, and from the different habits of the people, and the different character of public opinion, on a much more liberal scale than it is in Ireland, it would be unfair upon the rate-payers of England to allow the poor of Ireland unlimited access to that more liberal relief.

1562. Forming

1562. Forming your opinion by the cases which I have given you, would not the injustice to the Irish workman be of the grossest imaginable kind?—No; I do not see that there would be any injustice at all in the matter. If I had an Irishman under those circumstances before me, I think I could convince him that he was not treated unjustly; I should say, "If you were at home in your own country, you would be treated in a far less liberal way than if you were admitted to the advantages of an English pauper; and inasmuch as the law does not charge Irish rate-payers with such a liberal amount of relief as is given in England, you must go back to Ireland and accept the relief that is offered there to native born Irish, and not burden the English rate-payers."

1563. If the law which you wish to be abolished were so, you would have no power of sending back any English applicant to the parish of his settlement, inasmuch as there would be no settlement?—Just so.

1564. You would give him relief wherever he demanded it?—Yes.

1565. Would it not be most unjust, I ask you again, that upon a man who had come to this country really with the desire of supporting himself by his industry, and who had done so say for three or four years, suddenly finding himself destitute, you should attach to the giving him relief the penalty of sending him back to his own country; is it not an individual wrong?—I have no doubt that to uneducated persons it might appear *primâ facie* a case of injustice; but if he were an educated man, and you reasoned with him, and said, "The legislature has provided a very limited amount of relief from Irish property to Irish poor in their own country, and therefore you have no right to come here to claim the more liberal scale of English relief out of English capital; you must go back if you cannot maintain yourself here," I think he would see the justice of the argument.

1566. Is not a poor man's labour his only capital?—It is sometimes called so.

1567. And you go on the principle that you would allow a poor man in this country to carry that labour to the very best market?—That is the general principle which I should like to see adopted, certainly.

1568. That, I suppose, is one of the main principles which influence you in your desire to have the English law abolished?—Yes.

1569. Is it not on the very blush of it unfair that you give freedom to the labour of one man, and you restrict it in the case of the other?—It is to a certain amount, no doubt, a restriction.

1570. I am not speaking of two systems of relief; but, so far as the individual is regarded, is it not unfair?—It is, to a certain extent, a restriction upon his migration in search of labour; but I think that restriction is justified upon the grounds which I have mentioned; justified in the opinion of the Legislature, though it may not be in the opinion of the individual who suffers from it.

1571. At any rate, if the law were abolished in England, and if the law were altered as you suggest with regard to the Irish, would there not be still a very great difference between the laws of the two countries?—No doubt, and if the irremovability of Irish poor from England were maintained, I think it would be fair, as I have said, to enact a power of removal of English poor from Ireland.

1572. Would you be at all surprised if the people of Ireland felt very sensitively about it, and conceived that Parliament were, as it were, giving one law for the rich and another for the poor; one law for a free country, and another law for a country over which they had complete power?—There is at present one poor-law for England and another and different poor-law for Ireland; and the practice, as I have shown, is still more various. I think if you consulted an Irish pauper upon the subject, and took his opinion as to what is just and what is unjust, it would be much more reasonable to expect from him an opinion that it is exceedingly unjust to apply a less liberal system of relief to an Irishman in his own country than he would get in this country.

1573. I think you said that Mr. Rushton's evidence made a very strong impression upon the Committee?—Yes.

1574. When was that given?—In 1847.

1575. Though you have not visited Ireland lately, I suppose you are perfectly aware of the state of things in that country now, as well as what the state of things in that country was some seven or eight years since?—I have reason to hope, and believe it is the truth, that there has been a very great change for the better in the state of the population.

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1576. Would any calculation based upon the state of things in 1847 apply at the present time?—Not closely, certainly; but such a state of things might by possibility occur again, and I think it would be desirable to retain a protection against it.

1577. You say such a state of things is probable?—I did not say probable; I said that the recurrence of such a state of things, or something approaching to it, is possible.

1578. On what grounds do you base that belief?—Upon the general ground, that what has occurred before may occur again. It is possible that the principal crop upon which the Irish depend for their maintenance might fail completely once more, and intense destitution prevail throughout the country as a consequence.

1579. Would you not take the population of the country as a serious element in your consideration?—Yes; and I believe the population has diminished very much, but it may increase again very largely.

1580. Do you know what the population is now?—I think by the last census it was about six and a half millions.

1581. Suppose you were told that it is about five and a half millions at the present time, would you think that that was a small population comparatively?—No doubt, and it is a frightful decrease; I call it frightful rather from my knowledge of the causes of the decrease than from the positive fact; for I believe Ireland was over-peopled, and that it is an improvement that she should have at present fewer inhabitants, if it had been brought about without suffering.

1582. If three millions of the people of the country were removed from it by one means or another, would the state of things that existed then exist now; could it exist?—I do not think it is at all likely that it would reappear very quickly.

1583. I believe you are well aware of the result of a large mass of property having changed hands from encumbered proprietors to persons who were quite competent to cultivate their lands well?—I believe that a certain proportion of the land of Ireland, one-twentieth, I think, has changed hands in that way during the last six or eight years; but, at the same time, I may say that I think that the amount of change has been very greatly exaggerated, because all other sales, or nearly all other sales, have been put a stop to in the meantime.

1584. Would you say that the fact of some 14 millions or 15 millions of property changing hands is a very insignificant fact?—Yes, particularly as it has been brought about, for it has changed hands in a most beneficial manner; it has been taken out of the hands of a pauperised proprietary, and put into the hands, for the greater part, of capitalists and improvers, though I repeat what I have said, that all other sales have been put a stop to; and probably if the Encumbered Estates Act had not passed, much about the same amount of land would have changed hands.

1585. At any rate, whether that Act had passed or not, the fact that by some process or other, 14 millions or 15 millions of property have changed hands, must be regarded as a very important element of consideration?—Yes, though I do not see its bearing upon the present inquiry.

1586. If a very large extent of land gets into the possession of unencumbered proprietors, and of men who are able to spend capital upon it, is not the consequence of that a great increase of employment?—No doubt.

1587. Is not the consequence of the increase of employment diminution of pauperism?—No doubt.

1588. Is not a diminution of pauperism no doubt a diminution of those causes upon which you base your apprehensions of an influx of paupers into this country?—I have no doubt that Ireland is improving, and I trust there is such a prospect of the continuance of that improvement, that there will be no longer, in future years, the same amount of pauperism as there has been, and no longer the same extent of danger from an influx of Irish pauperism; but that does not relieve me from the view which I have expressed.

1589. Are you made aware of this fact, that many Irish gentlemen of very great sagacity, and to whose views you would be likely to defer, are beginning to apprehend that the population is too much reduced?—As long as the rate of wages in Ireland remains as low as I believe it is now, I can hardly believe that there is any danger of too great a reduction of population, as compared with the demand for employment.

1590. What

1590. What is the rate of wages now?—I understand that they rarely exceed 1*s.* a day. I may also observe, that such an idea would be inconsistent with the view which seems to be entertained by the noble Lord by whom I was questioned just now, that the dietary of the independent labourer in Ireland, at present, is quite as low as that very low dietary which is at present given in the workhouses.

1591. I believe you are aware that the dietary in Ireland at present consists chiefly of bread; that it is not potato as it was before?—In the workhouses it is chiefly Indian meal, stirabout, to judge from the last report of the Irish Poor Law Commissioners, which I have before me.

1592. Would you be surprised if you heard that the rate of wages of an able-bodied agricultural labourer had risen to 8*s.* in some districts?—If it were not during Irish harvest time.

1593. No; and especially near towns?—I should expect that to be an exceptional case, but should be very glad to hear that it was a frequent one.

1594. If the population be so much diminished, and there be an increasing demand for labour, the labour of the country must be absorbed as the country improves?—Yes, but the Honourable Member must remember that I have expressed no apprehension of a great influx of Irish labour; on the contrary, I think England and Scotland also are very much benefited by the immigration of Irish labour; but my apprehension regarded the influx of an inferior class scarcely able to work at all, or unwilling to work, and who would very shortly become a burthen to the English and the Scotch rates.

1595. Then you admit that the influx of Irish labour into this country is a great national advantage to this country; do you go so far as to say that it is almost impossible for certain branches of manufacture and certain trades to do without that labour?—We could very ill spare our Irish population.

1596. Do you think, then, that you treat this valuable Irish labour fairly when you say to the man who brings it to you, "If you become a pauper from any cause in four years or three years after your arrival in this country, you must go back;" is that fair, considering that you place no possible restriction upon the labour which you draw from your own people. I want you to deal with it as a matter of fairness between man and man?—In nearly all legislation you are obliged to choose between evils on both sides; there is no unmixed good to be obtained by any legislation. No doubt it would be very desirable, as I have said, that England should be open, without any check or limit, to the immigration of Irish, particularly Irish labourers; but so long as the laws and circumstances as regards pauperism are so different between the two countries, I think some check is desirable for the protection of English property.

1597. Then you adhere to your policy, that while you would remove every restriction from the English labourer, while you would allow him to get relief without any penalty attaching to it, you would place that penalty of removal upon the Irishman who should apply for relief within a limited time?—I would continue the liability to removal; I would hardly call it a penalty. Upon his returning to his own country, if he were still destitute, he would have a right to relief in his own country, and no one would be more anxious than myself to obtain for him that relief; but at the same time, as the relief is not so liberal there as that which is given in England, I think it is at home rather than in England that he ought to be relieved, and that it would not be prudent to give him an unlimited title here to more liberal relief than he can get at home

1598. Do not you think that it is often a very prudent thing to give temporary relief to an industrious man when temporarily disabled?—I think it very desirable, in case of temporary sickness, that he should be kept up by temporary relief, and prevented from sinking into permanent pauperism.

1599. Still you would place it entirely at the discretion of a magistrate to remove an Irishman who had not been in the country a certain period?—Yes.

1600. *Chairman.*] I believe by the Irremovable Act there is a provision exempting all persons from removal who become chargeable on the ground of temporary sickness or accident?—There is.

1601. Irish as well as English?—That meets the case; and I have reason to believe, from all I have seen of the evidence which has been given before this Committee, that it is by no means the case that all the Irish who apply for relief are immediately removed to Ireland. The cases are generally taken into consideration upon their merits, and temporary relief, or relief to industrious per-

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sons who are liable to temporary destitution, is very often given with sufficient liberality, without removing them.

1602. Mr. *Maguire*.] It altogether depends, I believe, upon the policy adopted by the parish, and carried out by the magistrate?—In a great degree; but I have reason to hope, that if the cost of pauperism were extended to the area of the union instead of the parish, a larger and better discretion would be exercised by the authorities in that respect.

1603. Referring to some allusion which you made to Scotland, I will take the liberty of asking you a question upon it. I believe you are under the idea, that if an Irishman apply for medical relief in Scotland, he cannot be removed; that he does not break his non-removability in consequence of receiving that relief; is that your idea?—I believe that medical relief can be afforded in Scotland, without the recipient being placed upon the register as a pauper.

1604. Are you aware of this state of things, that in Scotland, if an Irishman apply for medical relief, and receive that relief under the instrumentality of the parish Board, he is then liable to be removed, if he be not protected by the operation of the Five Years Act?—In Scotland I am not aware that it is the case; I rather doubt it.

1605. Did you look over the evidence given last year by witnesses before this Committee?—Yes.

1606. Did you see it solemnly put by Members of this Committee to witnesses there, to place themselves in the position of Englishmen, and to say almost with the solemnity of men speaking on their conscience, whether they could state that there would be any danger to England from doing away with the Law of Removal so far as the Irish were concerned, and did you observe that almost every one of those witnesses said they would put themselves in that position, and could really state that there would be no danger to this country, because of the great social change in Ireland?—I did not gather that as the tenor of the greater part of the evidence of English witnesses.

1607. I am speaking of Irish witnesses; for instance, Mr. Power, Mr. Crawford, Captain Lindsay, and a number of others?—Yes; but then, as I said before, with regard to Mr. Power's evidence, I think that opinion is rather taken from an Irish point of view.

1608. Is Mr. Power an Irishman?—I believe not; but he has resided so long in Ireland, and has acted so long in the administration of the poor-law, having for his main object to reduce the pauperism of Ireland, that he may very well have that as the first consideration in his mind.

1609. I think you seem to labour under the idea, that to the administration of Mr. Power is greatly owing the present state of things; is it not rather owing to great social changes and to great national movements, over which Mr. Power, as an individual, or as an administrator of the law, could have had no possible control?—I must say on the whole, though I have carefully abstained from saying anything which should express a strong opinion against the present administrators of the present Irish poor-law, yet when I see that out of the population of Ireland only one in sixty is relieved, while in England one in twenty obtains relief; and bearing in mind that Ireland is so much the poorer country of the two, where I should naturally have expected that the proportion receiving relief to the population would be much larger than in England; taking these facts into view, the strong impression on my mind is, that the system of relief in Ireland has been administered in too stringent a mode.

1610. Would it leave this impression on your mind, that the Irish have a natural and a kind of instinctive aversion to in-door relief?—I have no doubt that they have a greater predilection for out-door relief, as compared with in-door relief, than the English on the whole, particularly referring to that class of the population who are habitually paupers, or who were formerly mendicants.

1611. We are now speaking of those classes who periodically, or at any time, suffer from destitution. They have a greater aversion to in-door restraint than an English pauper has?—That is my impression.

1612. Would not the impression be made stronger upon your mind by remembering the fact, that when there was a great pressure upon the people they did go into the workhouses, and when that extreme pressure was removed they left the workhouses?—That of course was the case.

1613. I believe you are also under the idea that the superior dietary in the workhouses

workhouses in this country would afford a sufficient inducement to an Irish pauper to leave his own country and to come here?—Yes.

1614. Have you read the evidence of Mr. Pashley before this Committee, who I believe is considered a very great authority upon these matters?—Yes, and I have read Mr. Pashley's pamphlet also.

1615. Did you observe in that evidence that Mr. Pashley altogether ridiculed the idea that there did exist or would exist such an attraction as parish officers seemed to regard with such amazing apprehension?—I think he did, but I do not agree with Mr. Pashley in his theoretical views.

1616. But Mr. Pashley is a man of very great intelligence, and is considered a high authority in poor-law matters?—As far as relates to the legal and technical questions of poor-law, but I do not think he has had any practical experience in the administration of the law.

1617. If you heard it stated, no later than two or three days ago, by English witnesses, that they had offered to a number of Irish relief in the house, and that that relief had been refused, the institutions being admirably administered, would you still labour under the idea that the dietary in the English workhouses offered so sensible an attraction to the Irish poor?—It would be necessary to know the circumstances of the particular cases before I gave an opinion.

1618. Assuming that that is the case; assuming that the Irish have a kind of instinctive aversion to in-door relief, and to the restraints consequent upon it, do not you think that an in-door test would operate as a means of protecting a parish from undue application, supposing that it was coupled with a certain amount of labour and a certain amount of restraint?—That is the test which we apply in England, particularly to the case of able-bodied males; but I do not see how it can be applied specially to the Irish cases in any greater proportion than we adopt at present in the English, and I do not think the workhouse accommodation in England would allow of its being applied to all Irish cases.

1619. Some witnesses here stated thei ropinion that the term of industrial residence for acquiring irremovability might be limited to three years and some to two years; are you of a different opinion?—I should prefer the term of five years, with the advantages of the pauper being allowed to count the shifted residence which I have mentioned.

1620. I believe the end to be obtained by this test of industrial residence is to prove the desire of the person to support himself by honest employment?—Yes, and also that he has a claim upon the country after having contributed to its wealth by five years' industrial occupation.

1621. Inasmuch as a parish at one end of England would be obliged in consequence of the change of the law which you contemplate, to support a man who had never been in that parish in his life before, do not you think it would be only fair that the same parish should be obliged to support an Irishman in case he were ill, and had given one year's labour, and had by that one year's labour added *pro tanto* to the wealth of the country or the wealth of that district?—I have already stated, that as regards the different parishes or unions in England the argument appears to me to preponderate in favour of the abolition of the power of removal in different districts in England; but as between England and Ireland, I think the cases are so dissimilar that the argument is the other way.

1622. Mr. *Grogan.*] I understood you to say that you had been chairman of a poor-law union and practically conversant with the working of the English poor-law for some time?—I have been a frequent attendant at our Board of Guardians, but I have not been chairman of the union.

1623. But you are practically conversant with the working of the poor-law?—Yes.

1624. May I ask you where that is?—In the union of Chippenham, in Wiltshire.

1625. Is that an agricultural union?—It is almost a purely agricultural district.

1626. Do any number of Irish labourers come at any period to you?—We lie upon the highway between Bristol and London, and are very liable consequently to applications from labourers coming over from Ireland, or Irish tramps, upon that main thoroughfare.

1627. Is it within your knowledge that the Board of Guardians, with whose practical working you are conversant, have removed any of those Irish persons?

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—No; I think removals have been very rare indeed; they usually give them temporary relief as vagrants, and let them go on.

1628. Am I to understand you that your apprehension of the great inundation of Irish vagrants and mendicants, such as you referred to in the earlier part of your evidence, is more apprehension of what might occur, than based on any experience of what has actually occurred?—I think the law, as it at present exists, is a very great check to applications, under the poor-law, from Irish paupers; and my fear is, that if that check were removed, the applications would be infinitely more numerous than they are at present, causing a greatly increased burthen upon the English rates, but especially in the cases of towns in Lancashire, and in Scotland Glasgow and others, where the Irish population is at present very large, and would be likely to be increased still further by the abolition of the present check.

1629. With reference to the towns in Lancashire and also to the manufacturing districts to which you refer, are you able to speak of any of them practically of your own knowledge?—No, I have no knowledge of that kind to bring before the Committee.

1630. It is merely theoretical?—No, it is the result of what I have heard and read upon the subject, and what I know from the statistics of those districts.

1631. What do you call that; it is not practice, it must be theory?—You may call it theory; I have already alluded to Mr. Rushton's evidence before the Committee of which I was a member.

1632. You made a reference to your own union, namely, Chippenham, but there you have had no experience, because I find there have been no Irish removals; have there been any removals of English paupers from that union to other unions in England?—Yes, there have been some, but not many, I think.

1633. Can you state the annual average number?—I cannot give you those details; I have not them by me, and have not sufficient recollection of them.

1634. You mentioned, that with reference to Lancashire and the English manufacturing towns you were apprehensive of a very great burthen. A gentleman of the name of Darlington, who is a poor-law officer of Bradford, stated to us that the number of Irish people resident in Bradford was about 20,000; of that number there is a Return on the table of Parliament, which shows that for the last year 91 Irish paupers only were removed by orders of magistrates. From those facts being undeniable, and stated to you, would they alter your apprehension with regard to the great influx of Irish paupers?—On the contrary, the small number of removals would tend to impress upon my mind that there is no great hardship endured by the Irish under the present system; but with respect to the number of paupers who might apply in case the power of removal was repealed, I think the present state of things forms no test whatsoever, because any one who now applies for relief knows that he is liable to be removed, and numbers are probably checked in their applications by that knowledge.

1635. You also stated, that one of your grounds of apprehension of such an influx was, that numbers of Irish paupers would be assisted over by their friends in Ireland, in order to become a charge on the English poor-rates; upon what is that based?—I did not express an opinion that numbers would be assisted over expressly with the view of their becoming a charge on the English rates. I guarded myself from that construction; but I said, looking at it practically as men of sense, and every ratepayer of a district knowing that there was a class of struggling poor in his immediate neighbourhood, who were endeavouring to maintain themselves, but ineffectually, and who were liable to become from day to day burthens upon the rates to which he contributed, there would be, judging from the ordinary motives of human nature, a considerable motive with him for assisting them by a charitable contribution, or in any other way, to migrate to England, to endeavour to maintain themselves there; to carry on the struggle in England rather than in Ireland.

1636. As a practical man, and looking at it practically, have you any experience of that within your own knowledge?—I know that before the Committee of 1847 there was evidence adduced, tending to show that subscriptions had been entered into, I think of a considerable amount, and assistance given at that time to enable Irish paupers to come over to England, apparently, though of course proof was very difficult, with the view of relieving the Irish rates and burthening the English.

1637. Was the opinion which you have just expressed, involving an apprehension

hension of such an influx of Irish paupers again coming, based upon the evidence before you in 1847?—Partly so; but at the same time, from my experience in the last few years, I have seen a very great indisposition on the part of many Irish proprietors and other Irishmen towards the principle of the Irish poor-law. It was resisted by a considerable number of that class, and I believe many even at present think that it was unfairly imposed upon them by an English majority in Parliament; and those gentlemen may still think it consistent with their principles to get rid of as much of this unjustly imposed pauperism as they can, and even to saddle it on the country by whom it was imposed.

1638. You have the Report of the Irish Poor-law Commissioners before you, I believe?—Yes, their last report.

1639. You have, of course, read it carefully?—I have read it carefully.

1640. Can you point to any passage in that Report of the Poor-law Commissioners indicating a disinclination or a reluctance on the part of the Irish proprietors or gentry to administer the Irish poor-law?—No, nor am I attributing the feeling which I am speaking of to the general body of the Irish gentry; by no means; but I see that some gentlemen, Lord Monteagle for example, who stood foremost in opposing the application of the poor-law to Ireland, are now equally foremost in demanding the non-removal of Irish poor from England; and I cannot help thinking that the same motives and feelings, or opinions, which dictated to them one class of action, are now the motives for the other.

1641. Can you point to any particular period, or the period you refer to, in which that demand was made by Lord Monteagle, as you have mentioned his name, or any Irish proprietor, in reference to this non-removable law?—I think I am not wrong in saying, that Lord Monteagle headed a deputation to the late noble Secretary for the Home Department at the time the Right honourable Chairman's Bill was brought under consideration, and opposed by many Irish gentlemen, upon the ground of its not effecting that repeal of Irish removability.

1642. But that application to Parliament on the part of the Irish proprietary, in which Lord Monteagle took part, relative to the non-removable Act, was subsequent to the introduction by our Chairman of a Bill of that kind for England?—Certainly; a Bill abolishing the power of removal within England and Wales.

1643. Did you ever hear of any such application previously to the introduction of that Bill?—I do not think that I did.

1644. Might you not infer, therefore, that that application of the Irish Members to have the principle of that Bill extended to their country, when it was proposed to be introduced for England, might have been based on another ground than a desire to stint the poor-law relief in Ireland?—I am far from attributing to Irish gentlemen or Members of Parliament any desire to stint the relief to the poor in Ireland in a manner which would be inconsistent with humanity. I must have been misunderstood. All I meant was, that the same dislike to the poor-law in Ireland, and the opinion that it had been forced unfairly upon Ireland by Parliament, which seemed to me to characterise the opposition of Lord Monteagle and others to the Irish poor-law, even up to the present day, may have led them to wish to make England responsible for the pauperism that English legislation has created in Ireland.

1645. Do you, then, conceive that the application of the Irish Members relative to the extension of this non-removable Act to Ireland arose from any dislike of the Irish poor-law?—I cannot fathom motives; I should be very unwilling to attempt it.

1646. I thought you had said in your former answer that the dislike of the Irish gentry to the poor-law which is extended to Ireland, and the fact that it was extended to Ireland by an English majority against them, was one reason why they wished to shift the burden of maintaining their Irish poor upon England?—I did not mean to put it in an invidious light at all; but I merely meant that the same bias which weighed upon their minds, namely, a dislike to a poor-law, and an opposition to its being forced upon Ireland, and the opinion that Ireland was not fitted for a poor-law, might have led them to continue their opposition to the extent of desiring that England should be responsible for the maintenance of the Irish poor as far as she could be made so.

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1647. Assuming for a moment that the feelings which you have attributed to the Irish gentlemen did exist, do you not think it probable that some indications of them would appear in the management and conduct of the poor-law in Ireland?—I have already said, without considering myself at all an authority upon the subject, that I cannot but think that the poor-law is too stringently administered in Ireland at the present moment, judging from the proportion of the population which is relieved in Ireland as compared with that relieved in England.

1648. You have devoted a good deal of attention for some years to the working of this law in Ireland, I am quite aware; have you read the preceding Reports of the Irish Poor-law Commissioners as to the working and administration of the law?—I have.

1649. Do you recollect in any of those Reports remarks by the Poor-law Commissioners, that in some instances the law had been administered in too niggardly a manner, and that they had reason to complain of it?—I know in the early stages of the new poor-law of Ireland, the first two or three annual Reports of the Poor-law Commissioners did contain very many examples of far too stringent a mode of relief to the poor, which was frequently reprobated by the Commissioners, or at all events remonstrated against by them.

1650. And as far as it was in their power, the Commissioners took every means to remedy such an unjust state of things?—They no doubt did in those cases; still I have always been inclined to the opinion that the Commissioners have themselves administered or allowed the law to be administered in rather too stringent a mode, even up to the present time.

1651. That is your opinion?—Yes; for example, that out-door relief has been almost absolutely put an end to, and I can hardly think that the circumstances of Ireland require that.

1652. The Commissioners having in their earlier Reports complained of a disinclination on the part of some Boards of Guardians to administer due relief to the Irish paupers, do you find any complaint of that kind in the Report before you?—The Report that I have before me is the last Report for 1853-54.

1653. Do you find any remarks having that tendency in that Report?—There is a remonstrance, I think, with respect to the dietaries in some unions. It appears that in some unions few or no vegetables were introduced into the soup, and a circular was sent by the Commissioners to the unions, urging upon them the more frequent use of vegetables in their soup, there being no meat at all used; but the Commissioners thinking there was not a sufficient quantity of vegetables used in it.

1654. Is that the only passage in which you conceive that the Poor-law Commissioners of Ireland considered the administration of that law by the guardians insufficient or niggardly?—I think it is; perhaps I may be allowed to read a portion of it. The Commissioners state that the Board of Health have drawn their attention to the fact of disease, like sea scurvy, appearing in some of the unions from a defective nutrition, arising not from a deficiency of quantity, but from a deficiency of quality or variety in the food. That bears me out, I think, in the opinion, that in some of the districts of Ireland, even at present, the law, even in the opinion of the Commissioners, is administered too stringently.

1655. The noble Lord put a question to you respecting the comparison which he instituted with regard to the relative advantages of in-door and out-door relief as administered in this country; and your answer was, that you would rather leave the in-door or out-door relief discretionary with the Boards of guardians?—That applied, I think, to England.

1656. I am speaking of England alone; what discretion have they at present?—They have not an entire discretion, I think, with regard to all classes of the paupers; they may relieve all in the workhouse if they think it desirable, and if they have the accommodation.

1657. Have they the accommodation?—Certainly not.

1658. Then have they the discretion of giving relief to an applicant in the poorhouse?—They always endeavour to maintain a considerable margin of room in the workhouses, so as to be able by means of in-door relief to put to the test any doubtful cases.

1659. The number of parties receiving out-door relief in England is somewhere about 800,000?—600,000 or 700,000. On the 1st of January 1853, there were 96,968 relieved in the workhouses in England; out of the workhouses there were relieved 671,548, which is about seven times as many.

1660. Are

1660. Are you aware of the amount of in-door accommodation in the workhouses in England altogether?—I am not; we have not the practice, I think, in England, of giving a column in our Poor-law Returns stating the amount of accommodation.

1661. However, you are sufficiently conversant with the general working of the poor-law in England to be aware that the idea of accommodating 700,000 paupers in the workhouses in England is quite an absurdity?—Quite an absurdity.

1662. You could not do it?—We could not do it; at the same time, if it were the desire of the English community to give relief exclusively in the workhouse, I have no doubt the English community would build workhouses sufficient to hold them all.

1663. But at this moment have the Boards of Guardians the power of saying to every applicant for relief, "You shall take relief in the workhouse"?—No; and for that reason, amongst others, I think it would be dangerous to admit all the paupers of Ireland who can find their way over here to unlimited relief in England.

1664. Looking at it as a practical man, therefore, where is the discretion which you say exists in Boards of Guardians with regard to the relief of paupers?—Each case is taken upon its individual merits; some are relieved only in the workhouse; others, upon the circumstances of the particular case, are relieved out of doors.

1665. But if the workhouse accommodation of the united kingdom is so utterly inadequate to accommodate the number of applicants, can you say that there is a discretion in the guardians to give them workhouse relief?—I do not think there has been at any time, in my experience, any particular pressure upon the workhouses of England; in some particular cases, in manufacturing districts, where there has been a great loss of employment, it has been the case, no doubt, and other means have been resorted to, such as an out-door labour test.

1666. The Board of Guardians have a discretion as to offering a man relief in the workhouse or out of the workhouse, or with a labour test out of the workhouse, at their option; that is perfectly discretionary with them, but is it discretionary with them practically to say to a man, "You must take relief in the poorhouse"?—Certainly the latter part of your question is correct, the former is scarcely so, because there are limits imposed by the Commissioners to the relief of able-bodied labourers out of the workhouse.

1667. My question was merely with reference to an observation of yours, that the guardians had a discretion; in my judgment they have not; the circumstances of the case, owing to the very small extent of in-door accommodation, in comparison to the extent of relief given to paupers generally, render the discretion futile; they have none, but are bound by the necessity of their position to give out-door relief?—If we were to assume circumstances in which a very large pressure of pauperism was in attendance at the Board, of course that discretion would be limited; but that has never been the case practically, excepting in rare instances, in England.

1668. Cannot you imagine that, out of the 700,000 people who are receiving out-door relief now, the inability of the guardians to tender them in-door accommodation was the reason of their getting out-door relief?—No. I think that the Boards of Guardians, if they thought it desirable to give a larger proportion of in-door relief than they now give, would be willing to extend their workhouse accommodation, by building fresh workhouses, or by adding to the existing ones.

1669. Are you aware that the amount of accommodation furnished in the workhouses in Ireland considerably exceeds the number of applicants for pauper relief in Ireland?—I believe so. I think that there is accommodation for nearly 300,000, and that the inmates at present do not exceed 100,000.

1670. Consequently the in-door accommodation for the paupers in Ireland is greatly in excess of the number of applicants for relief?—No doubt, owing to the great diminution of pauperism during the last few years.

1671. Does that fact in any degree alter your opinion in regard to the comparison which you instituted of the relief given in Ireland and the relief given in England with regard to applicants for out-door relief?—No, because I look upon it as a practical question with regard to the influence upon the minds of the paupers of the different scale of relief which they would obtain in England

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from what they could obtain at home in Ireland, and I think they would be inclined to emigrate here as far as they could to obtain the higher class of relief.

1672. Do you practically find now that parties come here and become paupers upon your rates from that cause?—Not to a very serious extent, because the law of removal acts as a check upon their application, and also upon their coming over.

1673. Am I to understand, then, the result of your opinion to be, that it is desirable to abolish the law of removal between the different unions and parishes in England and Wales *inter se* alone?—Certainly.

1674. Then you would not extend it to either Scotland or Ireland?—My opinion extends to Scotland as well as to England, that there should be no power of removal *inter se* between parishes or unions in either country.

1675. In Great Britain?—In Great Britain.

1676. But you would continue that power as regards Ireland?—Certainly.

1677. Why do you draw a distinction between Ireland and Scotland in that respect?—I have already mentioned that the Scotch poor-law is very different indeed from the Irish. There are few or no workhouses in Scotland. There are but 26 workhouses in all Scotland, I think. Of the 800 parishes of Scotland, nine-tenths have no workhouses; therefore they would not be able to apply the workhouse test to the Irish poor if they came over. That is one ground of my opinion that the power of removal from Scotland should be maintained.

1678. In this country, I believe the law is, that the Board of Guardians give relief to an able-bodied pauper who applies for it?—If he proves himself to be destitute.

1679. Is that the law in Scotland?—No; in Scotland, I believe, they are not authorised to give relief to the able-bodied; at all events, under the parochial system, there is, I think, a collection made from which relief can be given to the able-bodied.

1680. That is voluntary?—But from the assessment they cannot give relief to the able-bodied.

1681. Then the law of England being that you can give relief to a destitute able-bodied man, and the law of Scotland being that you cannot give it to an able-bodied man, does it in any respect alter your opinion with regard to the extension of a non-removable law to Great Britain generally?—No, I do not think it desirable to keep up the law of removal as between England and Scotland.

1682. Then am I to collect from your answers, that your reason for excluding Ireland from the operation of a non-removable law arises from its granting relief, as I may say, solely in the poor-law houses, and not out of doors?—And also that the relief given in the poor-law houses is of a less liberal nature in Ireland than what the paupers would obtain in the workhouses in England.

1683. Then the great distinction is, that in-door relief alone is given in Ireland, and not in Scotland or England; that is the great cause of difference?—Yes.

1684. And that is the principal reason which induces you to form the opinion which you have expressed?—Yes; that is the main ground of my opinion.

1685. Mr. *Locke King*.] I think you said, in answer to a question from an honourable Member, that there was more employment in Ireland in consequence of the change of proprietors?—I understand that that is the case.

1686. Can you say whether there has been an increase or a decrease in the number of proprietors?—I am not aware; but I should think there was rather an increase, because many of the encumbered estates which belonged to single proprietors have been divided into lots, and bought by several different parties.

1687. Is there a decrease in the number of occupiers?—An enormous decrease in the number of occupiers, to an astonishing degree, particularly as regards the smaller occupiers.

1688. The proprietors have increased, and the occupiers have decreased?—The occupiers have decreased in an astonishing ratio.

1689. Mr. *Dunlop*.] With regard to Scotland, does not what you observed just now, namely, the circumstance that the able-bodied are not entitled to relief, do away with some of the disadvantages attending removability in England, where the able-bodied may become chargeable, and so may become removable? In Scotland an able-bodied man, not being chargeable, never becomes removable, so that removability in Scotland would not interfere so much with the circulation

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of labour as in England?—That may diminish *pro tanto* the danger arising to Scotland from the repeal of the law of removability, as Scotland would not be exposed to claims for relief on the part of the able-bodied; but an able-bodied man very often brings an infirm family with him, which may become a charge upon the rates. The term "able-bodied" is not confined to a man; but a widow with a large family may be able-bodied, and yet wholly incapable of maintaining herself and her children.

1690. Mr. *Grogan.*] If the law in Scotland be that an able-bodied pauper is not entitled to relief, and the law in England be that he is entitled to relief, would not it rather be an inducement for an able-bodied pauper to come from Scotland into England?—No doubt, and a great many Scotch able-bodied men do come to England for employment; and perhaps it may be to some extent a motive in their minds that they are more likely to obtain relief, at least, it would be so in case the power of removal were repealed; at present they are liable to removal.

1691. Yet you see no danger in the extension of the non-removable Act to Great Britain generally?—No.

1692. Mr. *De Vere.*] Am I right in gathering from your preceding answers, that you think the principle upon which we should legislate with regard to the removal of Irish paupers is this, that such a check should be imposed as would be sufficient to prove that an Irishman coming over to this country came over for the purpose of seeking industrial employment, and not for any other purpose?—I would not confine myself to that alone. I think that an Irishman who has laboured for a term of years in this country, and so far added to the wealth of this country, has a much stronger claim than a man who only comes over with the intention of labouring.

1693. Is it not your great object to secure England from the maintenance of persons who come only for the purpose of obtaining a better class of relief, for instance, rather than for employment?—Yes; my main object is that.

1694. The principal fear which you expressed, as to the influx of Irish paupers, was in consequence of the fact that they could get a more liberal system of relief here, and a system of out-door relief, which they are more attached to; in fact, you think the great danger is, that they would come here for the purpose of getting relief, and not for employment; am I right in that conclusion?—I think it would be dangerous to the interests of English property and English ratepayers that that additional motive to those which actuate them at present should be given to them.

1695. Then the principle of the check should be this, that it should be sufficient to test the fact whether they came here for employment or for relief?—I hardly confine the grounds of my opinion to that alone. Considering the very different position in which an Irishman is in his own country and in this country as respects poor-law relief, I think he can hardly claim to be entitled to the same extent as an Englishman to relief from the moment he lands upon these shores, his own country not having given him the same claim as an Englishman possesses in his.

1696. Do you think that an industrial residence of one year in this country would or would not prove that the person coming here was a person able and willing to work, and not coming to seek relief?—As far as regards the intention of the individual, perhaps it might be sufficient; but I do not think it would be a sufficient check to prevent many from coming over who had no real right to believe that they could maintain themselves permanently in England without resorting to poor-law relief.

1697. Do you think that it would be a sufficient test as to the intention of parties coming over?—Quite sufficient to prevent their being liable to any punishment, or any penalty, I think.

1698. A sufficient test to prove that their object in coming was to get employment, and not to obtain relief?—Motives are so very much mixed up in people's minds that it is very difficult to ascribe one motive exclusively; no doubt many Irish now coming over, come with the hope and with the intention of maintaining themselves by their industry; but they may fail, and it may be very probable, from the character of a man or of his infirmity, that he will fail in a short time; such a person would be prevented from coming over here by the present law rendering him liable to be removed the moment he became chargeable. Under the contemplated change of the law, the repeal of the power of removal, the

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motives in that man's mind would be much stronger to come over than at present.

1699. I think you stated that a five years' residence would be sufficient to prove that a man was a *bonâ fide* operative or labourer?—I think it quite long enough to entitle him to a claim to English denizenship and English relief.

1700. There are two sources of danger to English ratepayers which you think would occur from the repeal of the removal law; one is, that you think there would be an influx of Irish poor in consequence of the temptation of the superior diet in the workhouses; is it not the fact that the workhouse dietary, both in England and Ireland, is founded upon the habitual food of the labouring poor?—No doubt in a great degree it is determined by that consideration.

1701. Then Irish poor, coming over and working for a year, or for two or three years, as labourers in England, forming, in fact, part of the English labouring population, and receiving English pay, would naturally enjoy the superior diet of the English labouring population?—Yes; that is one of the mixed motives which bring them over.

1702. Would not the superior diet of the English workhouse over that of the Irish workhouse then cease to be a temptation?—I think an Irishman, in considering whether he should come over to England or not, takes a great many circumstances into consideration, and amongst those is the amount and nature of the relief that he would obtain in England, in case he became destitute or fell sick; and if he knows that that is very superior in England to what he would receive if he remained in Ireland, under the same circumstances, it would be certainly one of his motives for coming over here.

1703. Then the motive would narrow itself to this: it would be no longer a desire to throw himself upon the English poor-rates, but it would be a feeling that it was possible that, at a future time of illness or of disability, he might become the recipient of a more liberal relief?—Yes; but I do not quarrel with that motive, because I have said that I am desirous to see as many industrious able-bodied Irishmen come over as possible, so that they come over only with a view to employment, and not in an infirm state, or on the brink of destitution, throwing themselves upon the English rates.

1704. Are you aware whether the present Irish immigration to this country is of a labouring character?—I have always distinguished between two classes of Irish labouring immigration into England; one which is temporary only for the harvest, the other of a more permanent character, consisting of persons who settle in the great manufacturing districts. I have not already mentioned it, but I think it an additional ground for my opinion, that if the removability of Irish paupers were repealed, those who come over temporarily now to cut the harvest in England, or who have been in the habit of doing so, would be much more likely to bring over their wives and children, and not to go back again with them, than they are at present, if they knew that those wives and children, in any case of destitution, would have the advantage of the superior system of relief in England without check.

1705. Then you think it would be a disadvantage to England that that portion of the labouring poor who come over to this country should become a fixed and permanent class instead of being a migratory class, as they are at present?—Yes, I think their migration at present answers a very good purpose, though I believe that of late years it has been very much diminished.

1706. Do you think it advantageous to a country that there should be a migratory class of that sort going through it; would it not be more advantageous if the labour is required, that they should be permanently established?—Looking at England and Ireland together, I should certainly think it better that an Irishman should have employment all the year round at home, particularly in harvest time, but I know that we have benefited very much by the Irish who have come over to help us cut our harvest; we have got it in much more rapidly than we otherwise should have done.

1707. You have said, I think, that out-door relief in England is principally confined to old, infirm, or disabled persons?—And to the sick, and to widows with large families.

1708. I put down those among disabled persons; why then should out-door relief in this country be an object of temptation to the class of Irish labourers, if they know that as able-bodied labourers they would not receive out-door relief?—

relief?—I have not expressed any great fear of a large immigration of the Irish labourers, but of that class who are scarcely able to maintain themselves and are bordering upon destitution, and who are likely to become destitute very shortly after their arrival in England.

1709. I take it that there are two questions with regard to the present labouring class of Irish immigrants, and the future class which you think might come if the removal check were done away with; you seem to think that if the power of removal were done away with, you would have a class of persons coming over here merely for the purpose of throwing themselves upon poor relief, and I ask you for that purpose whether you do not think that one year's residence would be a sufficient check upon those parties, to prove that they did not come over with that object, but with an industrial object?—I prefer a five years' residence; I think they might take the chance, many of them, of knocking about for a twelvemonth, if they were certain of becoming non-removable after that.

1710. Supposing that the Boards of Guardians generally in Sussex or in Wiltshire were to refuse out-door relief, enlarging their workhouses, and adopting a system of in-door relief which is more distasteful, and supposing that considerable distress were to exist there from want of employment, and that the consequence was that there was a large influx from Sussex or from Wiltshire to the great manufacturing seats of industry, would you think it just or right, under those circumstances, to continue the law of removal as against Wiltshire or Sussex, when you had done away with it as regards the rest of England?—No; I have already expressed an opinion that it would be desirable to repeal all power of removal as between different districts in England, and that they should take their chance of the possibility of a local increase of pauperism from local loss of employment.

1711. The reason why you stated that you would not apply that principle to Ireland, which is part of the same great nation, is, that the circumstances are different in Ireland, because the different nature of the poor law in Ireland would make the out-door relief in England, and the more liberal dietary, a sort of temptation to induce Irish paupers to come here?—Yes; generally that the poor laws of the two countries in their letter, and still more in their practice, are very dissimilar, that the habits of the population are equally dissimilar, and that public opinion is very dissimilar as regards poor-law administration in the two countries.

1712. Then I put to you an analogous case, and I say, supposing portions of England were to become in those respects similar to the part which you except, namely, Ireland, would you wish to maintain the hardships of removal as regards those portions, whilst you did away with them as regards the rest?—No; because the law being uniform all through England, and the practice too, it would be quite fair that all removability should cease, and that each parish or union should take its chance of being obliged to maintain the pauperism which happens to arise within it.

1713. It is a question not of law, but of practice; it is not what may be done, but what is done; supposing the practice in Wiltshire or Sussex were so varied from what it is at present, that in-door relief was the rule and out-door relief the exception, and it ultimately became an object for the pauper in Wiltshire or Sussex to seek relief in Manchester or Liverpool rather than in Wiltshire or Sussex, would you continue the removal principle in Manchester or Liverpool as against Wiltshire or Sussex?—I cannot imagine a different practice of relief existing in the agricultural districts and in the manufacturing districts; the same law is common to both; and except in cases of very great emergency, the practice would be the same I take it in both.

1714. Although the law is the same, does not it leave a discretion on the part of Boards of Guardians?—Yes, but it is generally exercised in the same manner in the agricultural and manufacturing districts; public opinion is pretty uniform, and it influences Boards of Guardians much in the same way everywhere.

1715. You have said, if I am right, that you had reason to conclude that Lord Monteagle, and others who acted with him, were actuated by the same motives and the same principles in opposing the removability of the Irish poor as formerly in opposing the introduction of the Irish poor law; have I taken down your opinion rightly?—I would rather be bound by my own words as I have given them, than by those which the Honourable Member has put into my

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mouth; but what has been stated is not very different from the opinion which I have given.

1716. I am fully aware of the inconvenience of asking a witness his opinion of the motives of another person, but I think that that answer renders it necessary that I should do so, and I must ask you what you think were the motives which actuated Lord Monteagle and others in opposing the removability of the Irish poor?—No doubt they were all actuated by the most conscientious motives, believing it to be against the interest of Ireland that the poor law should be extended to that country, and having, as many political economists of great note have, a decided objection in theory to the establishment of any poor law. Mr. Senior, for example, and many other writers of authority, have written repeatedly in books and articles of reviews against the principle of a poor law; and they most consistently opposed the introduction of that principle into Ireland, and I think may consistently still endeavour to reduce the burthen of pauperism upon Ireland in every way that they can.

1717. Do not you believe that the dislike on the part of those gentlemen to the introduction of the poor law into Ireland was founded upon a belief that the introduction of the poor law into Ireland would not be ultimately beneficial to Ireland?—No doubt that must have been their belief; I differ from them, and am very glad that their opinions did not prevail.

1718. Do not you believe that their dislike of the removal system in this country is founded upon a belief that it is inconsistent with justice and humanity?—I have no doubt that that is their impression; what I have mentioned in connexion with Lord Monteagle's name, or the conduct of any other gentleman who opposed an Irish poor law, has not been in the slightest degree to impugn their motives, but only to state an opinion that the impression upon their minds was contrary to the principle of a poor law, and particularly to its applicability to Ireland; and probably they retained the impression that it was an unfair exercise of power on the part of a majority of the British Parliament who forced the poor law upon Ireland, and that therefore they were justified in throwing back their poor upon England where they could; but I beg to relieve myself from the impression of having ascribed any unfair or improper motives to them.

1719. I do not exactly see how the motives were the same; you said that their motive in their opposition to the Irish poor law was the belief that it would not be ultimately beneficial to Ireland, and that their motive for disliking the present law of removal was, because they believed it to be inconsistent with justice and humanity. I do not see how those motives are the same; you stated that you believed they were actuated by the same motives in both cases; they appear to me to be very different; would it not appear that the motives were very different; the motive in the case of the introduction of the Irish poor law being the belief that it was injurious to the country, and the motive in the case of the law of removal in this country being the belief that it was inconsistent with justice and humanity?—Yes; but there may be additional motives operating upon gentlemen's minds and upon the minds of Members of Parliament, as of other human beings, by which the mind may be biassed; and a general opposition to the principle of a poor law is likely, I think, to operate in that way as an additional motive.

1720. May I ask you whether a general opposition to the principle of a poor law would produce the impression that they wished to throw the paupers, who were justly chargeable upon one country, upon another?—I am very sorry to have an examination continued upon motives, which I ought not to have introduced at all. I cannot fathom anybody's motives, and make no pretence to do so; but speaking of the former opposition of gentlemen to an Irish poor law, which was not so much to a poor law generally as to a poor law applied to Ireland, those gentlemen who specially disapproved of the application of a poor law to Ireland may, consistently, I think, wish to get rid of that burthen by removing it to that country by which the poor law was imposed, against their will, upon their own.

1721. Mr. *Maguire*.] Have you read carefully the evidence given by the different witnesses last year as to the operation of the law of removal?—I have read the greater part of it.

1722. Did you happen to see it stated that 1,100 were sent from London to Cork within one year?—I think so.

1723. Did

1723. Did you also see it stated, or do you know of your own knowledge, that the voyage from London to Cork occupies generally three and a half days, and that it may be sometimes five?—Yes.

1724. Did you also see it stated, that, generally speaking, as many removals take place in winter as in summer?—I believe so.

1725. That they are not influenced by the season?—I believe so. That I think is an abuse which might counteracted; great care should be taken that Irish paupers should not be removed, except in favourable weather.

1726. Did you also see it stated there, that the persons removed were sent upon the decks of the vessels?—Yes.

1727. And that, generally speaking, there was no covering for them?—Yes.

1728. That therefore in winter weather they were subject to all the severities attaching to persons so exposed?—Yes.

1729. Did you see very startling cases of great personal suffering, and even of death, resulting from this exposure to the inclemency of the weather?—There were some cases stated.

1730. Did you happen to read the evidence of a constable from Cork, constable Duross?—I do not remember.

1731. He stated that death had resulted in more than one instance, and that hardships of a very heartrending nature were suffered by the people. Do you not imagine that statements of that kind going abroad, and becoming generally known through Ireland, must have caused a very strong feeling of indignation, justly or unjustly, against the law and its operation?—No doubt; I think the Irish would have great reason to complain, if any sufferings of that kind were occasioned to them, of a character more severe than that, which under the usual course of navigation between Ireland and England, they are in the habit of experiencing; free emigrants who come over from Ireland to England are exposed to a great deal of suffering, occasionally, in bad weather, and in the winter season, chiefly coming over, as I believe they do, as deck passengers; and a pauper can hardly expect any greater amount of accommodation than he would obtain as a free man from his own resources.

1732. At any rate, facts of the kind were very likely to cause a very strong feeling in Ireland on the question?—Yes; and I think all possible means should be taken to prevent their recurrence.

1733. I believe you know that there was a good deal of difference of opinion on the part of Irish Members, and indeed of the Irish people generally, as to the introduction of the poor law; that you may take as a historical fact. Do you know that over 70 Irish Members joined in the memorial to Lord Palmerston in favour of including the Irish in the Bill brought in by the Right honourable Chairman?—I have heard that that number attended; but I have expressed the opinion, that as the Bill did not refer to Ireland at all, their opposition was inappropriate.

1734. Do you know that there was a general unanimity on the part of the Irish Members in memorialising Lord Palmerston with reference to what they conceived to be due to Ireland; that is to say, including Ireland in the English Bill, however inconsistent with the intention of the framer of the Bill it might have been?—Yes.

1735. You also know, I believe, that there were Irish Members who were in favour of the introduction of a poor law into Ireland, and commented very strongly upon the principle of adopting it?—A great number; Mr. Sharman Crawford, Mr. Smith O'Brien, and many others, for many years in conjunction with myself endeavoured to obtain the adoption of the principle of the English poor law for Ireland.

1736. If you saw such a perfect unanimity upon the part of Irish Members in seeking for what they conceived to be redress in the former matter, would you not consider that they were influenced by a strong feeling of humanity, rather than by any desire to rid their country of a burthen?—I think the proposed alteration of the law, as between England and Ireland, would be an unmixed benefit to Ireland; and, therefore, I should not be surprised if every Irish Member were in favour of it; but my argument has gone entirely upon its being an injustice to England and not demanded by justice to Ireland, since the two countries are not upon the same footing.

1737. I ask you, ought you not rather to attribute the conduct of those gentlemen to a strong motive to rid the poor of these great hardships, than to any desire

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desire to benefit Ireland at the expense of England?—I have no doubt that the desire of those Irish Members was to relieve the paupers from those sufferings; but I think they might be greatly mitigated by what I have stated.

1738. Lord *Naas.*] Is there any power of removal of foreign paupers from England?—I believe not; I believe that a native of any foreign country is relievable wherever he may happen to be.

1739. Do you think that if a great influx of foreigners was apprehended, and a law was passed, giving the Government here power to remove them, it would be resented by foreign powers; America for instance?—I think if we could possibly contemplate such a case as a great influx of foreign paupers legislation would be enacted to meet the case.

1740. That is not an answer to my question; I ask you whether you think such a policy on the part of the English Government would not be resented by foreign powers?—That is a political question, upon which I can hardly give an opinion; I do not contemplate such an irruption.

1741. Do not you think it would be resented on the part of America?—I think the tendency of emigration has been the other way, from England and Ireland to America.

1742. Do not you think it would displease the American Government?—Judging from the practice of America, which has not resisted in any degree the immense immigration of English and Irish poor persons into that country, I do not think America would regard it as consistent.

1743. Voluntary emigration is a very different thing from compulsory removal; it would not be likely to increase the friendly relations between the two countries?—I can hardly express an opinion as to what the feeling of America might be upon such an impossible state of things.

1744. Mr. *Alexander Hastie.*] With relation to the questions put to you by the Noble Lord, are you aware how America receives the poor people sent from this country to it; are you aware that a duty is placed upon every head landed, or that security is taken?—Yes; and out of that fund a certain amount of relief is afforded to those who require relief.

1745. Or there is a security for a certain number of years?—I think the captains of vessels are obliged to become security that the parties shall not become chargeable.

1746. Mr. *Cheetham.*] Are you not aware that at the present moment the State of New York is making complaint of the paupers forced upon it by Switzerland?—I have heard so; and it is not at all impossible that if the immigration of Irish pauperism extended itself, America might enact a law of removal back to Ireland; and I think Ireland, under those circumstances, would have no right to complain.

1747. An Honourable Member has put to you a supposititious case between the administration of the law in the county of Wilts and in Manchester; assuming that in the county of Wilts no relief was given except within the poorhouse, whilst in Manchester the universal custom was to give out-door relief to all applicants, the natural result of that would be, that the poor would flow into Manchester from Wiltshire?—Yes.

1748. Would you think it unreasonable that the ratepayers of Manchester should appeal to the Legislature for protection against that inroad of pauperism?—On the contrary, I think it would be very natural; and I think they would, in justice, be entitled to demand it.

Lunæ, 23° die Aprilis, 1855.

MEMBERS PRESENT.

Mr. Baines.	Sir John Trollope.
Mr. Ingham	Mr. Dunlop.
Mr. Archibald Hastie.	Mr. Maguire.
Sir Robert Ferguson.	Mr. De Vere.
Lord Naas.	Mr. Alexander Hastie.
Mr. Cheetham.	Mr. Grogan.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Richard Hall, Esq., called in; and Examined.

1749. *Chairman.*] WHAT office do you hold in connexion with the English Poor-law Board?—I am Poor-law Inspector in the metropolitan district.

1750. By Inspector, I believe, in England, we mean the office which was formerly designated as Assistant Commissioner?—Yes.

1751. How long have you filled the office of Assistant Poor-law Commissioner or Inspector?—Rather more than 20 years; I was appointed in March 1835, and I was for four years in various counties in England.

1752. What parts of England were you in?—In Berkshire, Oxfordshire, Lincolnshire, Leicestershire, Nottinghamshire, part of the West Riding of Yorkshire, Derbyshire, Wiltshire, and a variety of counties in different places; I introduced the provisions of the new Act into the Potteries; I was at Stoke-upon-Trent for some time; I organised the law there.

1753. Did you afterwards go to Ireland?—After being four years employed in England I went to Ireland.

1754. For what purpose did you go to Ireland?—I was stationed in the central Poor-law Office in Dublin, having at the same time the charge of the two Dublin unions and of three other unions in the neighbourhood of Dublin; I went there about a year before relief was administered in the Dublin unions, and during that interval it devolved upon me to superintend all the arrangements that were made in the Dublin workhouses for the reception of paupers there; also in the three neighbouring unions.

1755. How long did you remain in Ireland?—I was four years in Ireland.

1756. You were connected with the poor-law administration there in that way?—Yes, for the whole of that time, taking a certain share in all the business which passed through the central office, but more especially engaged in superintending those five unions which I have referred to.

1757. In what year did you return to England?—I returned to England in 1843; I returned to take charge of the metropolitan district, and I have remained in the same office ever since.

1758. Will you describe to the Committee your present district; how many unions and parishes does it comprise?—It contains 40 unions and parishes, comprising a population of 2,409,450 persons.

1759. Can you state the number of Irish paupers removed during the year 1854 from that district?—In the year 1854 there were 1,843 Irish persons removed from that district.

1760. How many Scotch?—One hundred and thirteen; I believe that was rather an increase upon the number that were removed the year before.

1761. Have you had occasion to observe the construction which the different unions and parishes in your district put upon what has been called here the Irremovable Act, the 9th & 10th of Vict. c. 66, as to how far it is applicable to an Irish person?—Yes; I think at present very nearly all the unions and parishes in London have come to one view with reference to that provision; that

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that is to say, they give the Irish the benefit, as it is termed, of the Irremovability clause.

1762. Holding them to be within the clause?—Yes, which makes them irremovable from a parish after five years' unbroken residence in it, up to the time of the application for relief.

1763. Are there any exceptions among the unions and parishes?—There are three unions which do not seem to have settled their minds upon that view.

1764. Which are they?—Hackney, Richmond and St. Olave's, in Southwark, in the county of Surrey.

1765. What was the number removed from those unions in the year 1854?—From Hackney and Richmond a very inconsiderable number was removed. From Hackney there was removed only one, in short, and he was removed at his own request. From Richmond four were removed; from St. Olave's the number was larger; there were 41 persons removed.

1766. Is it the general practice throughout the metropolitan district to put into force the power of removing Irish and Scotch paupers?—Yes, generally.

1767. Are there any exceptions to that?—There are some unions and parishes which are considered non-removing unions and parishes, which would be so spoken of with reference to the Irish and Scotch paupers.

1768. Which are they?—Hackney, East London, Paddington, Stepney, Lewisham, Croydon, and St. Mary, Newington.

1769. Were there any removals of Irish and Scotch from those places in 1854?—Yes.

1770. How many?—There were 130 from all of them; a very large portion of these were removed from one of these unions, the East London Union.

1771. How many from the East London Union?—They removed 73 persons, but of these 73 persons 67 were removed at their own request; that is a union in which there is a very large number of Irish applicants for relief at most times.

1772. I believe you can inform the Committee what number of Irish and Scotch inmates were in the workhouses of that union on the 27th of January last?—There were on the 27th of last January in the workhouses in that union 116 Irish persons and 7 Scotch.

1773. How many of those were removable?—It is believed that of this number 69 of the Irish and 4 of the Scotch were removable.

1774. At that time how many Irish and Scotch recipients of out-door relief were there in that union?—There were 871 Irish recipients of out-door relief at that time and 26 Scotch, and it is supposed that of these, 477 Irish and 9 Scotch were removable.

1775. Can you state what numbers there were in the adjoining union of Whitechapel at that same period?—Yes; Whitechapel, I should say, is a union which is known to remove, and they removed from that union in 1854, 349 persons; the number of Irish and Scotch inmates on the 27th of January in their workhouses was 130; it is supposed that only 8 of those were removable; the Irish and Scotch recipients of out-door relief at the same date were 391; of whom it is supposed that 25 were removable.

1776. Mr. *Archibald Hastie.*] How many of these were Scotch?—The number of the supposed removable inmates in the workhouse was one Scotchman, and there was one Scotchman receiving out-door relief who was supposed to be removable.

1777. *Chairman.*] Comparing those numbers which you have given, do you draw any inference from them, and if so, what is it?—The Whitechapel Union is a much more populous union than the East London Union, and I infer from that fact, and from the numbers which I have stated, that there would have been many more Irish persons receiving relief in the Whitechapel Union, had it not been known that that union is in the habit of removing Irish paupers; the population of the Whitechapel Union is 79,756; that of the East London Union is 44,407.

1778. Have you heard reasons stated why some unions are in the practice of removing, and others not; can you give the Committee any idea of the reasons which operate to produce that diversity in the practice?—In some unions, especially in very densely populated unions, the opinion seems to prevail that it is no use removing, because Irish people flock into the union from other parts of the metropolis, and supply the place of all that are sent away, and that it is better to deal on the spot with the pauperism of the union than seek to reduce it by the means of removing the Irish to Ireland; the East London Union is an extremely

extremely densely populated union; I believe it is the most thickly populated place in London; the population is calculated as amounting to 290 persons to the acre.

1779. That is one of the unions in which the practice of non-removal prevails, I understand?—It is.

1780. Have you heard that the same view has prevailed in the St. Olave's Union to a certain extent?—Yes; I have heard the same opinion expressed at a meeting of the guardians in the St. Olave's Union. It is the opinion of their relieving officer that it is better on the whole for them only to remove the Irish in what he calls especial selected cases; but it is upon that ground, that if the Irish are removed indiscriminately, the places of those removed are immediately filled up by Irish coming from other parishes and other unions.

1781. What were the numbers of the Irish poor in that particular union on the 1st of February last?—There were 1,023 persons in that union receiving out-door relief on the 1st of February, and of those 788 were Irish. This is out-door relief, and the figures which I am stating are supplied by the relieving officer. He informs me also that up to the 10th of March he had relieved, during the half-year, 838 cases of Irish families, and 363 cases of English families, and he computes the number of persons relieved as 2,095 Irish and 907 English; that is up to the date of 10th of March, from the 1st October.

1782. What was the state of things during the frost in February in that union?—During the frost there were 28 English able-bodied men relieved, whose families included 84 persons; there were 279 able-bodied Irishmen relieved, whose families amounted to 926 persons. I say Irish men, because Irish widows are not included in this statement. The Strand Union is a thickly-inhabited union; I have heard the clerk to the guardians, who is a very intelligent person, a person of great experience, use the same argument with reference to the expediency of removing Irish persons from the Strand Union.

1783. The view being, as I understand, that the power of removal should be exercised in special cases only?—Yes.

1784. I put a question to you just now about the effects of the late frost; probably you could mention them with regard to some of the other parts of the metropolitan district, as bearing upon the question now before the Committee; I believe the frost had the effect of stopping the employment of many classes of labourers in London?—The employment of a large body of persons was entirely stopped during the frost.

1785. What kind of employments were those?—Employments in the docks on the Middlesex side of the river; employments on the wharves on the Surrey side of the river; the employment of builders was stopped, the employment in all gardening work was stopped; in fact, it seriously affected all those descriptions of work in which the Irish labourers are concerned in London.

1786. I believe there was during that time an enormous temporary increase in the amount of out-door relief?—The increase was enormous; I have compared the amount of relief given in the fourth week of that quarter, which was immediately before the severe weather commenced, with that given in the ninth week. The number of persons relieved during the fourth week, in my district, was 109,663; the number relieved during the ninth week of the quarter, the fourth week of the frost, which was the week before the frost broke, was 188,740 persons.

1787. Mr. *Archibald Hastie.*] Can you state the number in the first week, and the second week of the frost?—I cannot give those numbers; I have not them with me; there was a progressive increase, until in the fourth week, which was just before the frost ceased, it had amounted to the enormous increase which I have stated.

1788. *Chairman.*] What per-centage of the whole is the increase?—About 72 per cent.

1789. Attributable to the severe weather?—Yes.

1790. Have you endeavoured to ascertain with reference to some of the metropolitan unions and parishes, what proportion of casual and additional applicants so occasioned were Irish?—Yes; for that purpose I addressed myself to the officers of the unions, and I will give their estimate of what the proportion of Irish was amongst those casual or additional applicants for relief. In Rotherhithe, it was 25 per cent.; in Lambeth it was 27; in St. Saviour's 41; in Greenwich 50; in Stepney 54; in Bermondsey 56; in Poplar 58; in St. George the Martyr 66; Bethnal Green 87; East London 90; St. Olave's 91; St. George's in the East 93; and Whitechapel 99.

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1791. Mr. *Archibald Hastie.*] What is the average?—Out of every 100 casual or additional applicants for relief, 99 in the Whitechapel Union were Irish.

1792. Lord *Naas.*] Were those applicants all relieved?—Every one.

1793. *Chairman.*] In what way have the removals of Irish and Scotch paupers from the metropolis been chiefly effected; what has the agency generally been?—There are three removal agents in London, who are employed by almost all the metropolitan unions and parishes to remove their Irish and Scotch poor; their names are Gill, Baker, and Frost. A Mr. Rankley has been examined here; he is the servant of Mr. Baker; in fact, he represented him before the Committee.

1794. How do they divide the district among themselves; which is Mr. Gill agent for?—Mr. Gill has the three City Unions and the Greenwich Union.

1795. How many did he remove in 1854?—Two hundred and thirty-three Irish and 27 Scotch paupers.

1796. Can you mention to the Committee the numbers, and the ports to which he removed?—To Cork 121; to Dublin 41; to Limerick 20; to Belfast 37; to Wexford 7; and to Waterford 7.

1797. Those are Irish?—Yes; 233.

1798. Now the Scotch?—To Dundee, 5; to Leith, 9; and to Glasgow, 13; making 27: being 260 in all, taking the Irish and the Scotch together.

1799. Mr. Baker was the next you mentioned; for what district does he act?—For the following unions and parishes: Bethnal Green, Fulham, St. George-in-the-East, Hackney, Holborn, Kensington, St. Martin-in-the-Fields, Paddington, Poplar, Strand; St. George, Hanover-square; St. Giles, Bloomsbury; Clerkenwell; St. Leonard, Shoreditch; St. Luke, Middlesex; St. Margaret and St. John, Westminster; St. Mary, Islington, St. Marylebone, and St. Pancras.

1800. In 1854, how many did he remove?—Nine hundred and ten Irish and forty-eight Scotch.

1801. Sir *John Trollope.*] Have you any information whether those removals took place under legal form, or whether the paupers were removed without legal form?—They were all removed under legal form, I believe.

1802. Have you any evidence of any cases which have been removed without form, and without an order?—None. These agents receive a warrant of removal from the magistrates, and they are named in the warrant; and none of them would venture to be concerned, I apprehend, in the removal of a pauper unless desired to remove him by the warrant of the magistrates.

1803. In reference to that answer, have you any information of any other persons removing paupers without legal warrants, either parish officers or others?—No.

1804. No such case has ever come before your knowledge?—Not of an unauthorised removal of Irish paupers.

1805. *Chairman.*] Will you state the number removed, and the ports to which they were removed, by Mr. Baker?—He removed to Cork 636, to Dublin 120, to Limerick 132, to Belfast 8, and to Waterford 14, making 910 Irish; to Edinburgh 22, to Glasgow 16, to Aberdeen 2, to Dundee 3, to Dumfries 5, making 48 Scotch; making altogether 958 Irish and Scotch.

1806. What is Mr. Frost's district?—Mr. Frost is the authorised removal agent for Surrey; he also removes for some parishes in Middlesex. The following are the unions and parishes for which he removes: Whitechapel, Stepney, St. James, Westminster; St. Luke, Chelsea; St John, Hampstead; St. James, Clerkenwell; St. George-in-the-East, the Strand, St. Olave, Bermondsey; St. George-the-Martyr, Lambeth, Camberwell, and St. Mary, Newington.

1807. How many did he remove in the year 1854?—525 Irish and 24 Scotch paupers to the following ports: to Cork 313, to Dublin 143, to Limerick 65, to Waterford 3, and to Belfast 1, making 525 Irish; to Edinburgh 10, to Glasgow 10, to Greenock 1, to Inverness 3, making 24 Scotch; being 549 Irish and Scotch.

1808. I believe you can now give to the Committee the aggregate removals to those places by all three agents together?—Yes; to Cork 1,070, to Dublin 304, to Limerick 217, to Belfast 46, to Waterford 24, to Wexford 7, making 1,668 Irish; to Dundee 8, to Leith 9, to Glasgow 39, to Edinburgh 32, to Aberdeen 2, to Dumfries 5, to Greenock 1, to Inverness 3, making 99 Scotch; making altogether 1,767 Irish and Scotch.

1809. Has your attention been directed to the regulations for the transmission of

of paupers drawn up by the justices, under a clause of the Act of Parliament of 8th & 9th Vict. c. 117 ?—Yes; I have seen those regulations.

1810. Those are regulations to be drawn up by the justices, and approved by the Secretary of State, I believe ?—They are.

1811. Do they differ in various parts of your district?—They differ somewhat between Surrey and Middlesex. The regulations for Middlesex and the regulations for the City are substantially the same; but the regulations for Surrey were modified after their first issue; the first issue received the approbation of Sir James Graham. Afterwards there was an addition made to the regulations, which received the approbation of Sir George Grey, and was to this effect: "That during the months of November, December, January and February, all natives of Ireland shall be conveyed by railway to Liverpool or Bristol, and thence by steam-boat to the port of Dublin, Wexford, Waterford, Cork, Limerick, Derry, Belfast or Dundalk, whichever shall be nearest the place of their destination; and that during the remaining months of the year all natives of Ireland shall be conveyed as above stated, or by steam-boat, direct from London to such of the above-named ports as shall be nearest the place of their destination."

1812. That regulation applies to removals from Surrey?—Yes; the effect of that was, that during those four months, from Surrey, paupers are, I believe I may say always, sent part of the way by land, instead of being sent the whole way by sea.

1813. How is it with respect to Middlesex?—From Middlesex they are always sent by sea.

1814. From the port of London?—Yes; the Middlesex regulations were not modified in the way that the Surrey regulations were modified.

1815. Can you explain that at all?—I cannot; an alteration of that kind, of course, would originate with the justices; it does not seem to have occurred to the Middlesex magistrates that that would be a beneficial change; it is more expensive to send them part of the way by land and part of the way by sea.

1816. Are you aware whether, in point of fact, there are regulations in existence at present for the removal from Middlesex, or is there reason to believe that there are none having any valid existence?—I am inclined myself to believe that the regulations which were originally made are still valid; but I know that a different opinion exists, and upon these grounds, that at the time when the regulations were first made, the justices of Middlesex contracted with Mr. Baker for five years for the removal of the paupers at a stipulated sum, and the regulations were appended to this contract, and expired with it. When the five years ended they nevertheless went on employing him; but he has felt himself at liberty to alter the terms upon which he conveys the paupers from time to time; and Mr. Frost, who was the authorised removing agent from Surrey, holding the opinion that there was then no regulation for Middlesex which excluded him, entered into communications with many of the Middlesex parishes, as I have already informed the Committee, and removes for them now.

1817. Under contract?—Under an agreement with them; he maintains, of course, that there are no regulations which confine the removal of paupers to Mr. Baker in Middlesex, and that, therefore, he is at liberty to make bargains with the parishes if he can.

1818. And there is a sort of competition between the two?—There is; and I believe that the result is, that the cost of the removal is a little less in Middlesex than it is in Surrey, Mr. Frost having come in in competition with Mr. Baker.

1819. Has Mr. Frost a depôt anywhere?—Mr. Frost has a small depôt attached to his house in High-street, Wapping. Mr. Baker had once a depôt, but he gave it up; he does not maintain it any longer. Mr. Gill has no depôt.

1820. Does he remove from the workhouse itself?—Mr. Gill removes from the workhouse itself; from the three City unions. When he has to remove any paupers from Greenwich, if necessary, he finds a lodging for them for a night or two nights before they are removed, but he has nothing that can be called a depôt for a general use.

1821. You are probably aware that the system of the depôt has been described by Mr. Rankley before this Committee in a former stage of its proceedings?—Yes; the depôt which Mr. Rankley's evidence referred to is now at an end.

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1822. Is the expense of all these removals borne by the poor-rate throughout the district?—No; under a provision in the Act of Parliament regulating these Irish and Scotch removals, any parish not in union, and having a population of less than 30,000, has the right of being reimbursed by the county the sums expended in the removal of Irish and Scotch poor. There are now only three parishes within my district which are entitled to that; there are four which have it, but there are three which I consider entitled to reimbursement.

1823. Which are the three?—St. Martin-in-the-Fields, Hampstead and Rotherhithe.

1824. You say that a fourth has it, but you think the right questionable?—The parish of Kensington has it by virtue of a construction which they put upon the words of the Act of Parliament.

1825. Can you refer to the section of the Act?—It is the 5th section of the Act 8 & 9 Vict., c. 117: "And be it enacted, that in the case of any parish not in union, and not containing a population exceeding 30,000 persons, according to the last census published by the authority of Parliament, if the guardians or overseers on whose complaint such warrant of removal was made bring or send to the clerk of the peace of the county, or to the town clerk of the borough in which such parish is situate, such warrant of removal, accompanied with an affidavit, sworn before some justice of the peace of such county or borough (who shall be authorised to administer the same), of the amount of the expenses *boná fide* incurred and paid by such guardians or overseers on account of such removal under such warrant as aforesaid, and also a statement of the several items comprised in such amount, such clerk of the peace shall lay the same before the justices of the peace assembled at the quarter sessions, or adjournment thereof, holden for such county, next after he has received the same, and such town clerk shall lay the same before the council of such borough at their quarterly meeting held next after he has received the same; and the said justices and council of such borough respectively shall, if the regulations in force in regard to such removal have been duly complied with, order the amount of such expenses to be paid out of the county rate raised in such county, or out of the borough fund of such borough, as the case may be." These words, "not containing a population exceeding 30,000 persons, according to the last census published by the authority of Parliament," have been held by the authorities of Kensington to mean the last census published when this Act of Parliament was passed, and the county appear to have acquiesced in that construction of the Act, although the population of Kensington has grown to its present amount of 44,000.

1826. Can you give the Committee any illustration of the way in which that provision has acted?—It had once a very curious operation in the parish of St. Martin-in-the-Fields.

1827. What was it?—During the years 1848 and 1849, there was a most enormous removal of Irish paupers carried on from the parish of St. Martin-in-the-Fields; I am not prepared to give the Committee the number of persons who were removed, but I am prepared to give the amount which was expended in their removal, which is an indication of the number. The parish of St. Martin-in-the-Fields recovered from the county, in 1848, 1,457*l.*, on account of these removals; in 1849, the parish recovered 4,450*l.*; at the end of the year 1849, the guardians of the poor of the parish of St. Martin-in-the-Fields thought it high time to put a check upon these proceedings, and the consequence of that was, that in the course of the next two years the sum expended was only 206*l.*, and in the year 1854 it was only 14*l.* 16*s.* 10*d.*

1828. To what do you ascribe that extraordinary result?—No doubt, there was an immense number of Irish persons who were willing to be removed back to Ireland in the year 1849, and there must have been some means of circulating amongst these persons the intelligence that there was a readiness to remove them from St. Martin's parish, which caused them to flock there in great numbers.

1829. They flocking into the parish, and then the parish being reimbursed in this way, out of the county-rate?—Yes. There are officers employed in the removal of the Irish poor, who get fees; the justice's clerk gets a fee upon the warrant to be made out, and, of course, it was to their interest that this business should be extended as much as possible. They, possibly, found the means of facilitating the collection of numbers of persons into St. Martin's parish, in order that they might be removed.

1830. Mr. *Maguire.*] Who received the fees, the clerk to the magistrates?—Yes.

1831. From whom; from the persons who had the contract for removal?—No; he would receive the fee, in the first instance, from the parish, and, as the parish could recover the fee from the county, the parish would have no interest in limiting this expenditure, and ultimately the county would pay.

1832. With what object was the fee given; was it to facilitate the granting of the order?—It is a fee paid to the clerk for transacting that particular part of the business of the magistrates; the clerk of the court.

1833. What is the fee?—I do not know; it may be 1*s.* or 1*s.* 6*d.*, or 2*s.* upon each warrant; something of that sort.

1834. Sir *J. Trollope.*] Does not it vary with different benches?—Yes.

1835. The fees allowed to magistrates' clerks are generally under the management of the judges for business transacted, are they not?—Yes.

1836. The clerk to the magistrates has no interest in promoting or getting up these cases; he simply takes the fees for business incidentally brought before him?—But then I conceive that he would have an interest if he had a certain sum of money upon every warrant.

1837. But he does not search out the cases in any way; the cases are brought before him by the parish officers?—Certainly.

1838. *Chairman.*] In the case where the county pays, the parish, I understand, would exercise no check upon the clerk, whereas in other cases they would do so?—Exactly so.

1839. Lord *Naas.*] Did you not state that the clerk had found some means of getting these cases into his district for the purpose of obtaining the fee, which cases would otherwise go somewhere else?—I said, I thought it probable; I have been informed so, but I state it reluctantly, because I do not wish to bring charges against persons. I was asked to give reasons, which I thought would account in some degree for the number being so very large; one does not readily see why such an enormous collection of paupers should take place into one parish in London, unless some means were aken to get them there.

1840. Sir *J. Trollope.*] Are not the cases generally brought before the magistrates by the vestry clerks?—Yes; I believe that at that time, either the clerk to the guardians or the assistant clerk to the guardians was also clerk to the magistrates.

1841. Is it one and the same person who executes both offices?—It was.

1842. You mean to say at that time?—I mean to say at that time the clerk to the magistrates was either clerk to the guardians or assistant clerk to the guardians, and he got a fee.

1843. Mr. *Archibald Hastie.*] Was it a part of his salary?—No; the fees would be extra to his salary; his salary as clerk to the guardians would have nothing to do with what he got for transacting business as clerk to the magistrates.

1844. Mr. *Maguire.*] Is the fee only paid when the order is granted?—Yes.

1845. In case of refusal there is no fee?—No.

1846. *Chairman.*] There is no order made out?—No.

1847. Mr. *Maguire.*] Therefore, if the clerk were to be influenced, he would be rather influenced in favour of affording every facility for the transmission of the pauper?—Clearly.

1848. *Chairman.*] Probably the justices would not be willing to grant an order where they thought it an improper case?—There is that consideration.

1849. Will you inform the Committee whether it is generally the practice in the metropolitan unions and parishes, to comply with the request of Irish and Scotch paupers who wish themselves to be removed?—No, I do not think it is generally their practice; some are removed at their own request, I cannot ascertain how many were removed at their own request during the year 1854; if the practice prevails anywhere it is in the City of London; I think if an Irish pauper were to apply to the Board of Guardians of any of the City unions to be removed to Ireland, they would remove him.

1850. Can you state whether the same paupers are found to return frequently to the parishes from which they have been removed in your district?—No, they are not found generally or often to return to the same unions or parishes.

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1851. What information have you obtained upon that subject in your district?—I have heard of about 50 persons, in the course of the year 1854, who had returned to the parish from whence they were removed; of course I can give no information, nor can I get any information as to those who may have returned to other parishes or unions.

1852. Did one instance come under your own personal notice?—One came under my notice accidentally a very short time ago.

1853. Where was that?—In the St. Olave's Union, a girl of the name of Elizabeth Rogers; she was removed to Cork on the 11th October 1854, and she reappeared at the workhouse of the St. Olave's Union on the 24th November, stating, as I was informed, that the authorities of Cork had sent her back because her child, an illegitimate child, was born in England; I was informed of this at the workhouse, and when I learned upon inquiry that Elizabeth Rogers was an inmate of the house, I sent for her and took down her story from her own lips, and it was as follows: She said, "that on arriving at Cork she was taken by a policeman to the relieving officer, who gave her an order for the workhouse, where she remained a week; that at the end of that time she was sent for to the board-room, but was not let in; a gentleman came out to her who told her that she could stay in the workhouse, but the child could not; she said she would not part with it; then he said she must go away with it; the next day the same gentleman took her down to the steamboat and put her on board; no money was given her; she was put on board ship; she was landed at the docks in London."

1854. Mr. *Maguire.*] Did she state the name of that gentleman?—She did not learn the name of any one in Cork; she did not know where she was born in Ireland, she told me.

1855. *Chairman.*] Is there anything further in her statement?—Yes.

1856. Will you proceed to the end of it?—She came to England when she was three years old, and is now 20; her child was born the 6th March 1854; she had lived in the St. Olave's Union two years.

1857. Mr. *Maguire.*] Was there any communication made to the authorities of Cork, or the authorities alleged to have removed her?—I think not; she could or would give no information beyond what I have taken down here.

1858. Did she not state that it was done by some person coming out of the board-room of the Cork workhouse?—Clearly; she gave the guardians and me to understand that it was some one in authority at the Cork workhouse who told her that the child could not stay; that she must go with her child.

1859. You were not induced to test the truth of her assertion by any communication with the authorities in Cork?—I took no further step myself.

1860. Have any steps been taken?—I think not; upon that point I am not certain; this case came to my knowledge a very short time ago; another case very much of the same kind I heard of only two days ago from the parish of Lambeth.

1861. Did you make any communication with respect to the case of Elizabeth Rogers to the central Board here?—None at all.

1862. Did you not think it your duty to do it?—No, or of course I should have done it.

1863. Do not you know that if the authorities in Ireland had done what the girl stated, they would have acted illegally?—Still I take it that nothing could have been done in the case by the Poor Law Board.

1864. Is it not worth inquiring into?—I think so; but it remains for the authorities of the St. Olave Union to inquire into it, not the Poor Law Board.

1865. *Chairman.*] Is there another case to which you are about to call the attention of the Committee?—Yes, which I heard of only two days ago; the case of Mary Hearn and two children, removed on the 4th February 1854 from Lambeth to Cork; they all returned on the 3d March following, stating that the authorities of Cork had paid their fare back to England; she and the children were taken and remained in the workhouse of Lambeth till the 19th July, and they were sent to Ireland again, and nothing has been heard of them since. When I stated that few are known to have returned, and I believe the number of 50 is about the number of those who have returned, that information was the result of a special inquiry which I have made in all the unions and parishes in my district, asking them how many were known to have returned, having been removed from the particular

particular unions and parishes in the year 1854; I have no doubt that the numbers which I give are correct; I have no reason to doubt that few do return, and that the number who returned during the year 1854 was about 50.

1866. Have you formed an opinion upon the question whether you can safely do away with the power of removal of the Irish paupers from this country to Ireland?—I think it is better to retain it.

1867. Will you state the grounds upon which you come to that conclusion?—I think the doing away with the power of removal would entail a very great additional expense upon the unions and parishes in the metropolis, which in the present state of the law of relief in England and in Ireland, I think it would be unfair to cast upon them. My own apprehension would be, that there would be a large influx of poor Irish persons into London, who would come incautiously, without considering whether they would find themselves here in a condition to support themselves; that they would come here, and that there would be in fact more than could be properly supported in London in reference to the demand that exists here for their labour. I think that besides those who were able to work who would come over here under such circumstances, there would be an enormous number of persons who were not able to work, who would come, not with the hope of maintaining themselves by any exertions of their own, but allured by what they would hear of the mode in which relief is administered in London.

1868. How do you understand that to differ from the mode in which relief is administered in Ireland?—It differs most materially upon one point, that there is no limitation here to the granting of out-door relief. By "no limitation," I mean no legal limitation; the Board of Guardians may give what out-door relief they please; they do give an enormous amount of out-door relief.

1869. You are speaking of your own district?—I am.

1870. I believe in some parts of the country what is called the prohibitory order is enforced?—In the majority, I believe, of the unions in England, what is called the prohibitory order is in force; that is an order issued by the Poor Law Board. The prohibition against granting out-door relief rests only upon that order, and not immediately upon a provision in an Act of Parliament, and the Poor Law Board have thought it necessary to introduce a large number of qualifications and exceptions into that order, so that in point of fact as the result, an enormous proportion of the relief which is given generally in England is given out of the workhouse. There is a Parliamentary Paper which I have here, in which for the half-year ended Michaelmas 1854, the amount expended in out-door relief in England was 1,479,959 *l.* In in-door relief it was only 446,484 *l.*, showing that the amount expended in relief in the workhouses in England is less than one-fourth of the whole amount of relief which is given. I find that on the 27th of January there were relieved in the workhouses in my district 28,231 persons, while the number receiving out-door relief on the same day were 92,121 persons.

1871. Would it be practicable, in your judgment, to alter that state of things in the metropolitan district, to bring about a system of in-door relief exclusively, or almost exclusively?—It would be, I think, impossible, on many grounds.

1872. Will you state those grounds?—I think the feeling of the public would be entirely opposed to it. I think we should not get Boards of Guardians who would administer relief upon those conditions. Then the workhouses would not suffice, or anything like suffice. The workhouses at present in my district in London, which, as I have already said, comprises considerably more than 2,000,000 of population, are not capable of containing more than about 28,000 persons. The Poor Law Board, as the Chairman is aware, have no power of compelling the erection of workhouses; they have no power of compelling the enlargement of workhouses; and I am sure that the guardians would not listen to a proposition either to build new workhouses, or to enlarge the existing workhouses, even if it were possible to do so in London, for the reception of a large mass of paupers, principally Irish or Scotch; Irish they would be, principally. Then many of the workhouses are so situated that they cannot be enlarged; there is no room.

1873. They are built up?—Yes; they are situated in the streets, so that they could not be enlarged, even if the guardians were willing to enlarge them. It seems to me, upon every consideration, to be quite out of the question to expect that you could limit relief in London to relief in the workhouses.

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1874. I believe, during the administration of my right honourable friend near me, you had occasion to consider how far it would be practicable, if so disposed, to enforce a system of in-door relief in the metropolis?—Yes, we had; it was very anxiously considered during the time that Sir John Trollope presided over the administration of the Poor Law of this country, how far the relief in the metropolitan district could be restricted to relief in the workhouse. The result was, that it was determined, after much consideration, and a great deal of information collected by myself and derived from other sources, that it would be vain and totally unwise to issue any order prohibiting out-door relief for the metropolitan district; and no such order was issued.

1875. I believe you are aware that the Poor Law Board, as at present constituted, have fully concurred in that view?—I understand so.

1876. Sir *J. Trollope.*] You found at that time, as you have at all times, that there were periods when it would be impracticable to enforce a general order of in-door relief, did you not?—No doubt of it.

1877. You were a party to that consideration, at that time?—I was.

1878. And the Board acted very much upon your opinion?—They were so good as to pay great attention to the report which I drew up on the subject. I believe that, throughout England and Wales, 83 out of every 100 persons, who receive relief, or more than 82, receive it out of the workhouse.

1879. *Chairman.*] Then that difference appears to you an important consideration in this question?—Yes; a consideration of the greatest importance.

1880. Is there any point in connexion with the different dietaries existing in the workhouses of the two countries, which appears to you to deserve consideration also?—Yes. The diet which is furnished to the poor in the English workhouses is very different from the diet which, I understand, is supplied in the Irish workhouses. I am not aware what changes may have taken place in the dietaries of the Irish workhouses since the time when I was in Ireland; but I was a party to the drawing up of the original dietaries which were issued when the workhouses were first opened in Ireland. I recollect that, under Mr. Nicholls' superintendence, very extensive inquiries were made by the Assistant Commissioners in Ireland, both as to the usual diet of the poorer classes of Irish, and also as to the dietaries which were used in various public buildings and establishments in Ireland, and the result was, that a dietary table was framed, with, I believe, two meals a day, and from which meat was excluded. I believe that was the dietary which was prescribed to the workhouses in almost every part of Ireland. A slight exception was made in the Dublin workhouses. I am not sure whether some exception was made in the Belfast workhouse, or whether some alteration has not been made since, but I am sure I am correct in stating that, generally speaking, the dietary of the Irish Workhouses supplied two meals a day, and gave no animal food except milk.

1881. Sir *J. Trollope.*] Was not that dietary formed upon the habits of the Irish generally, and their food, rather than upon any information as to the English under those circumstances?—Precisely so. We endeavoured to frame the dietary there upon the same principle as that upon which the English dietaries have been framed, namely, not to make the workhouse alluring in consequence of the food given.

1882. Lord *Naas.*] Was the principle generally this, that in the workhouse you gave about the same quantity of nourishment which you conceived the person would have if he were out of doors?—Yes. I might say, that I remember distinctly, there was a very general opinion expressed by the Assistant Commissioners in Ireland, that it would be quite impossible to reduce the dietaries of the workhouses to so low a point as to make them inferior to the diet of the Irish out of doors. But it was kept steadily in view, that they were not to be so far superior, either in quality or quantity, as to operate upon them as an inducement to leave employment, and to go into the workhouses.

1883. Is the same principle adopted in regulating the English diet?—The same principle is kept in view, so far as we find it practicable to act upon it; but there is a general feeling, I think, among Boards of Guardians, and I may say, perhaps, especially London Boards of Guardians, in favour of a liberal diet in the workhouse.

1884. For instance, take the case of an Irish pauper going into a workhouse in London, do you think that he obtains a better sort of food there than he does if he is in employment in this town?—Yes, I have no doubt he does.

1885. You

1885. You think he is better fed in the house than he would be out of it?—Yes; because his meals are more regular.

1886. Assuming that he is in employment?—Yes, I assume that he is employed in the way in which Irish labourers are ordinarily employed in London, and that his condition out of the workhouse is that of the bulk of the Irish labourers. I have no doubt that if the only consideration which operated upon them were, whether they would get better food in the workhouse than out of doors, the Irish inhabitants of London would almost all be better off in the workhouse than out of it. I have in my hand the dietary of the Bethnal Green workhouse; it is not one which I have selected; Bethnal Green stands first upon my list of unions; this is the diet which they give there; I think when I inform the Committee what it is, they will see that it is rather a tempting bill of fare.

1887. *Chairman.*] Do you mean to an Irishman?—I mean to an Irish pauper.

1888. Lord *Naas.*] Will you read it?—This is the diet provided for men and women above 60 years of age, on Sunday, Tuesday, and Thursday: they have for breakfast bread and butter and tea; they have for dinner meat and potatoes, and they have for supper bread and butter and tea.

1889. What quantity of meat?—Five ounces; the potatoes are half-a-pound; the bread and butter is six ounces to men and five ounces to women; the tea is a pint for breakfast, and the same for supper. On the other days of the week they have the same breakfast and supper; on Monday, Wednesday, and Saturday they have a pint-and-a-half of soup and four ounces of bread; the four ounces of bread are in addition to the other allowance of bread.

1890. Is the soup made of meat?—It is; on Friday they have still the same breakfast and supper, but the men have 14 ounces and the women 12 ounces of suet pudding for dinner.

1891. *Chairman.*] You have given the Committee the Irish dietary as it was in your time; have you read the evidence before this Committee describing the dietary as it is at this day; do you remember the evidence of the master of the Liverpool workhouse, who was formerly master of the Cork workhouse?—I do not remember it.

1892. You have no means of personal knowledge as to what the dietary of the Irish workhouses is at present?—I have not.

1893. From all the means of information which you have, you consider the English workhouse dietary much superior to the dietary in the Irish workhouses?—I have no doubt that it is very superior. I ought to add, perhaps, that the dietary which I have read is for men and women above 60 years of age; the dietary for able-bodied persons, men, women, and children, varies somewhat; instead of having tea for breakfast, the men and women have a pint-and-a-half of gruel, which is made of oatmeal; the children have instead of tea a pint-and-a-half of milk-porridge for breakfast; the able-bodied men and women have the same allowance of meat and potatoes, the same allowance of soup, and the same allowance of suet pudding; the variation is only in the breakfast and the supper; tea is not given for breakfast nor for supper; and instead of tea for supper they have broth three days, and on the other days two ounces of cheese.

1894. Is there any consideration connected with the condition and the welfare of the Irish poor themselves in this country which you think bears upon the question of retaining the power of removal?—Yes; I have already said that I think the doing away with the power of removal would tend to increase their number in London, and I think that whatever would tend to increase their number would tend to deteriorate their condition in London at present. I find that they, I may say, form the lowest class of population in London, that which is, with reference to their physical state, the lowest in the scale; they do all the worst kind of work that is to be done in London; they work for the worst wages, and they take all that description of work which I suppose to be the worst that a labouring man can engage in, namely, that which does not admit of a permanent bargain being made between the man and his employer; all chance work and job work seems to be taken by the Irish in London; they work in the docks; they work, as I believe I have already mentioned, on the wharves; they work as bricklayers' labourers, not as bricklayers; they do not rise to be bricklayers; they work as labourers in the gardens at a time when a great deal of work is wanted in the market-gardens round London; they wait in the markets to see

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what they can get to do there; in the summer time they go into the neighbouring counties, hop-picking in Kent, and haymaking in Hertfordshire and Essex, and later in the year they go harvesting.

1895. Lord *Naas.*] Do they generally come back to London after that?—I am speaking of those who generally live in London, and go out and return.

1896. Then they are not to be considered quite as a fluctuating population in London; they go out for a short time and return?—Yes, I am speaking now chiefly of those who may be called the Irish inhabitants in London.

1897. *Chairman.*] Bearing these things in mind, how, in your opinion, would the taking away of the power of removal operate upon their condition?—It would operate by increasing their numbers; there would be a greater competition for this kind of employment, the competition for which is quite great enough already, I should say, for the physical and moral good of the Irish. Then their means are small, and they are forced into the very worst lodgings in London; they are crowded together in places where they can get lodgings cheap, or rather they are crowded in such numbers into the lodgings that it becomes cheap to each individual, on account of the number of persons who are occupying a small space; that possibly leads to a great amount of physical and also moral deterioration in the population.

1898. Then you conceive that by further pauperising them, it would have the effect, to a certain extent, of demoralising them?—I think it would also have the effect of demoralising them; I think, upon a more general view of the subject, a population which is pauperised is also a population demoralised. I remember that when the Commissioners of Inquiry, in the year 1834, made their preliminary investigations in England they were exceedingly clear upon that point, that in the parishes which they examined the non-settled poor, that is to say, those who were liable to removal, were the most valuable labourers, were the most thrifty, and were altogether in a better condition than those who, being settled there, were sure of being relieved if they fell out of work. I think the very same thing would be the case with the Irish. They are now being liable to removal from London, in the same condition as non-settled paupers were at the time to which I am referring, when the investigations preparatory to the passing of the Poor Law Amendment Act were made; and I think that, as then the poor people and labourers who were liable to removal were found to be more valuable than those who were living in the parish in which they were settled, so the character of the Irish may be presumed to be better now than it would be if they were made irremovable from London.

1899. Sir *J. Trollope.*] You mean that it induces in them a reliance upon their own industry and resources rather than upon public funds?—Certainly.

1900. Does the feeling of the fear of removal hanging over them deter a considerable number of the Irish poor in London from applying for relief?—I have no doubt of it; I think it is natural that it should. But also, at the time when what we call the Irremovability Act was passed, it was immediately followed by a very large increase of applications for relief from Irish persons resident in London.

1901. Do you find a very large number of Irish people reside continuously in one parish?—No; I do not think they do in London.

1902. Lord *Naas.*] Does not the very feeling of the fear of removal operate as an absolute denial of relief in many cases where the persons are fit subjects for it?—Of course, it is possible that it may; it is for the person who is in need to decide whether he will apply for relief and accept it subject to removal, or whether he will still struggle on, in distress, without applying for it; relief is never denied them.

1903. But many of those persons may in reality be very fit subjects for relief from weakness, ill health, and other circumstances over which they may have no control?—It is possible, of course, that it may be so.

1904. *Chairman.*] A suggestion has been made that it would be practicable to do away with removals, retaining a power of charging the cost of maintaining the pauper upon some union in Ireland; what is your opinion upon that point, as to the practicability of such a measure as that?—Such a scheme would be quite impracticable, I should say, for many reasons.

1905. Will you explain the reasons which induce you to think that such a suggestion as that would be really impracticable?—I think, in the first place, it would

would be impracticable, because there is no settlement in Ireland; I do not see upon what union in Ireland you would charge the relief of any pauper relieved in England; then I think it would be extremely difficult to recover the amount of the relief charged upon any union in Ireland, supposing you could find out what union it was to be charged upon; but I think that the guardians of the Irish unions would most strenuously oppose any such scheme as that, and especially those who were aware of the system upon which we administer relief in England, because the guardians of an Irish union in which no out-door relief was given would be called upon to pay for out-door relief given to Irish people in England; the guardians of Irish unions who could maintain their paupers in their workhouses for, I believe, a sum running from 1 *s.* 2 *d.* to 1 *s.* 8 *d.* a week, would be called upon to pay from 4 *s.* to 5 *s.* a week per head for Irish paupers relieved in the London workhouses.

1906. Lord *Naas.*] Would it not also be absurd to create a law of settlement for Irish paupers found in England?—It would have the effect of providing for every Irish pauper found in England a settlement in Ireland, but not compelling him to go and live there.

1907. Mr. *De Vere.*] Do you not think that Irish boards of guardians would argue thus; if an Irish pauper becomes chargeable upon an English parish, and we are obliged to pay for his support, we ought to deduct from such charge that amount by which the English locality where he has been previously living has been benefited by his labour?—They ought to do it if they could do it, but I do not see how it could be done.

1908. *Chairman.*] Independently of these considerations, are you of opinion that a system of non-resident relief is a good and sound system of relieving the poor?—I think I cannot give a better answer to that question than by reading, if you will give me leave, an extract from the Ninth Annual Report of the Poor Law Commissioners with reference to that point, stating at the same time that it exactly conveys my own opinion.

1909. Is it a short passage?—It is not a long passage.

1910. Be so good as to read it?—They are treating on the subject of settlement; they say, "Independently of the fact that it (non-resident relief) is contrary to the whole mass of principles on which the English poor-laws have been and are administered, no one who has the slightest experience can hesitate to affirm that its prevalence would tend to more gross imposition on the part of the recipients of relief, and more undetected fraud on the part of the agents who administer the funds, than the records even of the poor-laws, previous to 1834, can produce. The authorities in immediate contact with a non-resident case have not their vigilance stimulated by any sense of self-interest, they are spending other people's money; nay, more, perhaps they are reaping the benefit of it by employing the man at lower wages than he could otherwise subsist on. The authorities at a distance have no means of ascertaining the truth of a pauper's story, nor any means of verifying the punctuality and veracity of their own agents; but it is needless to condemn a system which by common consent of all experienced persons is vicious in principle and in practice." I believe I am quite right in saying that those who are now charged with superintending the administration of the relief of the poor in England would express themselves in terms very similar to those of the Poor Law Commissioners which I have just read with reference to the same point.

1911. Has not that been the uniform view of the Poor Law Commissioners throughout every change that you know of?—I believe it has been the uniform view, and I believe it is a view that is taken by practical people everywhere, by Boards of Guardians, parish officers, and union officers of every form and of every kind.

1912. Having stated to the Committee your opinion, that you cannot safely relinquish the power of removal, can you inform them whether there are any amendments in the existing law which you think might be adopted?—I think the law might be amended in some points.

1913. Will you state the points in which you think it might be amended?—I think it ought to be made perfectly clear that the Irish and Scotch stand upon the same footing as the English with regard to residence conferring irremovability.

1914. You think that there should be a declaratory Act, or section in an Act, clearing up all possible doubt upon that subject?—Yes, that they should be

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placed precisely upon the footing of English with regard to those circumstances which make a pauper irremovable.

1915. Sir *J. Trollope.*] Then, if you did so, you would not be content with landing an Irish pauper at Cork or Dublin, but would take him to the place which you conceived to be his settlement?—I do not say that; I say that I would give him in England the advantage, if it be an advantage, which the Irremovable Act gives to English paupers; that is to say, that if he had resided five years continuously in the parish in which he applied for relief, he should not be removed from that parish; that if he applied for relief under the pressure of temporary sickness, he should not be removed from that parish; that if it were a widow applying within 12 months from the death of her husband, she should not be liable to be removed. I would give the Irish and Scotch precisely the same privileges, as they are termed, which are now given to the English by that Act.

1916. Have you any reason to doubt that the Act of Parliament gives the right of irremovability to the Irish who have resided in a parish for five years?—I do not doubt it myself.

1917. But have not a number of metropolitan parishes acted as if there were a doubt upon that point?—They have at different times, but at present there are only three who express any doubt.

1918. Do they act upon that doubt?—I do not think they do generally.

1919. To carry you back to the time when you resided as a Commissioner in Ireland, do you remember the effect which was produced upon the North Dublin workhouse, or other workhouses connected with Dublin, by the arrival of a number of these removed Irish paupers from England; have you any experience upon that point?—Certainly; I recollect that paupers removed from England did arrive, and that it was occasionally a source of complaint on the part of the Irish guardians; the guardians of the two Dublin Unions particularly.

1920. Did it not fall with peculiar severity upon particular unions or parishes?—Upon the ports, certainly.

1921. In the case of Dublin did it not fall more peculiarly upon one union in Dublin than upon the other?—Yes, upon the North Dublin Union, from the circumstance of the landing-place being upon the north side of the river.

1922. Do you consider that a right state of things to continue; that there should be that pressure upon parishes and unions comparatively innocent in the matter?—It is an undesirable thing that it should continue, certainly; one would wish, of course, that there should be no burthen cast upon the North Dublin Union which should not be shared by the South Dublin Union; they being in point of fact parts of the same community, only separated by the river.

1923. Can you suggest any remedy?—No, I cannot suggest a remedy for it.

1924. Do you conceive it impossible that Irish paupers removed from England to Ireland should be taken to their places of birth or legal settlement in Ireland?—There is no legal settlement in Ireland; it would be to take them to the place, I presume, which they said was the place of their birth. I confess I do not see how that is to be done, looking to the present state of the Irish Poor-law.

1925. You think it could not be done without a total change of that law?—In order to make it practicable, I conceive there must be a total change in the Irish Poor-law.

1926. Lord *Naas.*] There is no law of settlement at present in Ireland?—No, and there is no machinery for removing paupers from one place to the other.

1927. And the charge only arises after several months' residence in an electoral division; are you aware that that is the law?—Yes; I was aware that there was a difference between what were called resident paupers and those not resident.

1928. So that if those paupers were sent to the place of their abode, according to the present law of Ireland, they would be what are called union-at-large paupers?—Yes; that alteration was made after my time in Ireland.

1929. *Chairman.*] With regard to the place of birth, you are aware that as the law now stands the justice has to inquire into that, because the pauper is to go to the port next to the place of birth?—Yes, I understand that.

1930. Does not that imply an inquiry into the place of birth?—There would be no difficulty, of course, in ascertaining here, so far as the pauper's statement would be deemed satisfactory, what the place of his birth was, and the warrant of removal must be made out for removal to the port which is nearest to the

the place of birth of the pauper; but the difficulty is to get the pauper from the port to the place of birth.

1931. Will you go on to state any other suggestions which you would make for the improvement of the existing law?—I should not myself advise that the five years term for irremovability should be altered; I think that what you want in fixing any term of that kind is a sufficient period for ascertaining that the pauper really has not only a desire to maintain himself by his own exertions, but that he has the ability to do so, which I think would be proved after a five years' residence in any place, but not so clearly proved by a shorter term.

1932. Would you require him to reside in the same parish, or would you say five years' residence in the same union?—Five years' residence in the same union, as far as my district is concerned, might be very safely conceded.

1933. That would be a material advantage?—Yes, it would be an advantage to the pauper.

1934. Sir *J. Trollope.*] If you carried that into effect, would it not be an approximation to a union settlement?—I do not think so; I am speaking merely of irremovability; it would be merely saying, that instead of being irremovable if the pauper had resided within a small space, he should be irremovable if he had resided for five years within a large space.

1935. How would you deal with the question of his chargeability under those circumstances?—He is chargeable now to the union.

1936. You would make him then as now, a common fund pauper?—He would be chargeable to the common fund, or as it is termed in Ireland, the union at large. I think that the law might be changed in that respect, with some benefit to the pauper.

1937. *Chairman.*] So as to extend the area?—So as to extend the area.

1938. And to give the privilege of irremovability after a residence, for a certain time, five years, you think, within the same union?—Yes; I think that might be safely enacted.

1939. Sir *J. Trollope.*] Would you then enlarge the powers with regard to English paupers to the same extent; you are speaking of Irish paupers, I presume?—Yes.

1940. How would you deal with English paupers under those circumstances; would you give them the same privileges?—Yes; I see no objection to giving English paupers the same privileges.

1941. You would extend their residence of five years to the union?—Yes, from the parish to the union.

1942. Is it not obvious to you, that if you do it with respect to the natives of one island, you must do it with respect to those of the other?—Yes, I think so. Of course, holding the opinions which I do, it is plain that I do not think that the law is to be in all respects the same for the inhabitants of the two islands; but in that particular case I do think that for all paupers the union might be taken as the area of residence with reference to chargeability.

1943. *Chairman.*] And it would be effected by a simple alteration of the Irremovable Act, stating, that instead of five years in the same parish conferring the privilege of irremovability, a residence of five years in the same union should have that effect?—Yes.

1944. Lord *Naas.*] But, as according to your idea there are only two areas recognised with respect to these paupers, namely, the area of England and the area of Ireland, with regard to removability, does it not occur to you that it would be fair that a residence in any part of England for that term of years should prevent their removability?—I have thought of that; it has occurred to me that, possibly, if an Irish person had ever acquired irremovability anywhere in England, he might then become irremovable generally from England. But that is not the case with English paupers; you would have to extend it also to English paupers.

1945. You think that the justice of the case would be more met by a rule of that kind than by merely limiting the area of irremovability to the union?—There is this objection to it: we are often, of course, told that the injustice of removing any pauper from the place where he has resided and worked for a long time, to another, where he has not done so, is, that you are placing the burthen where there has been no previous advantage. Now, if you made a pauper generally irremovable, he might have lived and given all the working years of his life, and all his strength, to one particular place, and then go some-

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where else, and there remain the rest of his days as a pauper, throwing the whole of the burthen of his maintenance upon a place which had derived no advantage from his previous residence.

1946. But that is exactly what occurs when a pauper is removed to Ireland; you would still keep the power of removal to Ireland in such a case as that; that is the very injustice which is complained of?—Yes; and no one can be surprised at complaint being made when, as has occurred, Irish labourers, who have worked for a great many years in any part of England, are in their old age, or when they fall into sickness, removed over to Ireland. I am not the least surprised that that is complained of; but I think that the giving them clearly the benefit of irremovability, if they remain five years within a union, is as far as we can safely go in the way of concession upon that point, considering the different circumstances of the administration of the law in the two countries.

1947. Still, when a pauper is removed he is removed to Ireland, and his charge may be thrown upon any part of the country?—Yes.

1948. You do not know, when you remove a pauper to Ireland, to what part of Ireland he is to be chargeable?—We cannot tell, because he is free to take his own course afterwards.

1949. You just land him?—Certainly.

1950. Therefore, in point of fact, with regard to the power of removal, the only two areas which can be spoken of are, the areas of the whole of England and the whole of Ireland?—I see the drift of that question.

1951. It is so?—It is so; I think that any person who advocates, as I do, the retaining of the power of removing Irish paupers, must take his stand upon the difference in the administration of the Poor Law between the two countries; I think that if the law were administered precisely in the same way, with all the incidents of the English law extended to Ireland, then the two countries might be put upon a perfect equality.

1952. Do not you think that they are similar in the main point, that sufficient relief is given to a pauper in the two countries; may it not be said that though the practice may differ in detail, yet the same object is attained in England and Ireland; namely, the relief of the destitute poor?—It is very difficult to answer that question; if I were to state generally, that the population of Ireland are poorer than the population of England, more liable to fall into a state of destitution, that they have more hardships to struggle with in gaining their subsistence than the population of England, I do not think I should be contradicted; and yet the number of persons receiving relief in Ireland is, I believe, 1 in 60 to the whole population, whereas in England it is about 1 in 20.

1953. *Chairman.*] What do you infer from that?—I infer from it that the relief is not so liberally administered in Ireland as it is in England; and while I see that so much larger a number of persons obtain relief in England than in Ireland, I am not in a position to admit that the objects of the Poor Law are so well answered in Ireland as in England. If the Irish get enough relief, the English get a great deal too much.

1954. Lord *Naas.*] But can you state from your own knowledge, that you see any practical denial of relief in Ireland to the destitute poor?—Of my own knowledge I cannot.

1955. *Chairman.*] You were going on to give us some further suggestions as to the points in which you thought the law might be improved; will you proceed?—I think the proceedings connected with the warrant of removal and the taking out of the order might be considerably improved.

1956. What suggestion do you make upon that point?—I think it should be provided, that the complaint and the application for the order of removal, should be made in a police court, where the matter lay within the jurisdiction of a police court, and if not, then at a regular petty sessions.

1957. So as to be always in an open court?—Yes; and always accompanied with all the formalities of business in a court of justice. I think the pauper to be removed should be invariably produced before the magistrate or the justices; I do not think that is always done in London; I also think that the form of the order should be altered, so as to make it plain that the justices have themselves considered the case, that they have heard evidence, and have decided the case upon the evidence so heard. Of course I do not mean that it should be made compulsory upon the justices to remove a pauper; they may now remove or not, as they please. I think it should be made to appear, that

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when they do remove, it is done upon a *bonâ fide* consideration of the facts of the case, and the best evidence which they can procure to establish those facts. I have here a form of an English warrant of removal, and it contains these words: "Whereas complaint hath been made to us, whose names are hereunto set and seals affixed, being two of Her Majesty's justices of the peace in and for the said county of Middlesex (one whereof being of the quorum), by the guardians of the poor of the said parish of St. Luke, Chelsea." (This was an order in St. Luke's, Chelsea, parish.) "That " (there the pauper is named) " has come to inhabit and is now inhabiting, in the said parish of St. Luke, Chelsea, *not having resided in the said parish for five years next before the said application and complaint.*" These words are omitted from the Irish form.

1958. It is the form given in the schedule to the statute, I believe?—Yes, and it makes no mention of a residence for five years, " and not having gained a legal settlement there, nor having produced any certificate acknowledging him to be settled elsewhere, and that he is now actually chargeable to the same parish, and is now receiving relief therefrom, *such relief not being made necessary by sickness or accident.*" That means sickness or accident of a temporary nature, and those words are not, contained in the warrant of removal for an Irish pauper; I think they should be. Then (after mentioning that such and such a place was the place of his last legal settlement) the order goes on thus: " We, the said justices, *upon due proof thereof, as well by examination of witnesses upon oath as otherwise*, and upon due consideration of the premises, do adjudge the same to be true." Then they order the removal of the pauper. I would have those words introduced into the warrant of removal, reciting that the justices had ordered the removal, upon due proof of the complaint, as well by the examination of witnesses upon oath as otherwise; and I would have the complaint include a statement that the pauper had not been resident for five years next before the application, and that the relief had not been made necessary by sickness or accident; which is not the case now.

1959. You think that the introduction of those words would tend to ensure a consideration of all the facts of the case, and of all the reasons for the removal, or against it?—I think so; it is with that view that I recommend that they should be introduced.

1960. You recommend, I presume, that the justices shall still retain the discretionary power of removing or not, as they think fit?—Clearly.

Jovis, 26° *die Aprilis*, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. Maguire.
Sir John Trollope.	Mr. De Vere.
Mr. Ingham.	Lord Naas.
Mr. Locke King.	Mr. Alexander Hastie.
Mr. Stirling.	Mr. Grogan.
Mr. Archibald Hastie.	Mr. Smollett.
Sir Robert Ferguson.	

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Richard Hall, Esq., called in; and further Examined.

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1961. *Chairman.*] WHEN the Committee adjourned on Monday, you were about to proceed with your suggestions for the improvement of the present law. Will you proceed to make the suggestions which you have to lay before them?—I had just been asked whether I would recommend that notice should be given to the guardians of the union to which it was proposed to remove an Irish pauper. I feel considerable hesitation in recommending that notice should be given to the union to which it is proposed to remove an Irish pauper from England, because I do not clearly see what use is to be made of the notice after it

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it is received there. I apprehend that there is no machinery existing in an Irish union, through the instrumentality of which any useful inquiries could be made in the place which was stated to be the place of birth, or the place to which the pauper belonged.

1962. Would not the Irish union have an opportunity of communicating with the Poor Law Commissioners in Ireland, who have inspectors all over the country?—They certainly would have that opportunity, and it might save the intervening reference from the board of guardians to the Poor Law Commissioners, if the notice were sent at once to the Poor Law Commissioners. But then I am afraid it would throw an enormous amount of work and correspondence upon the Central Board in Ireland; and it must not be forgotten, that while these communications were being made, and inquiries were being made in Ireland, the pauper to be removed would be in a condition of detention in England; and I think it would be difficult to detain the pauper so long a time as would be requisite.

1963. Is that so in the case of an English pauper, who is under an order of removal? You are aware that, by law now, 21 days' notice must be given to the guardians; is it practically the case, that an English pauper is kept in a state of detention during the lapse of those 21 days?—There is considerable doubt, I believe, whether there is power to detain a pauper against his will. I do not know that the point has ever been legally decided, either one way or the other, that there is or is not that power. Practically, they are, when necessary, detained; but I think the difficulty would be greater in the case of an Irish pauper than it is found to be in the case of an English pauper, because the English pauper has contracted a more permanent relation generally with the parish from which he is to be removed than an Irish pauper would have done, and could not so easily shift his abode in order to escape removal.

1964. Then do you arrive at the conclusion that a notice would not be advisable?—On the whole, I do not think that any beneficial result would practically follow from giving a notice to the Irish Union.

1965. There is no notice given at present?—There is none.

1966. In that respect, you do not see your way to an alteration of the law?—I do not see my way to a beneficial alteration of it in that particular.

1967. A suggestion was made here by Sir John MacNeill, that it would be advisable to give to the Board of Supervision in Scotland the power of making regulations; a general power of doing that which the justices in their several localities are empowered to do at present; what do you think of that as a suggestion applicable to the case of England?—The same thing had occurred to me. I think it most desirable that the Poor Law Board should be empowered to make regulations for the transference of such paupers as are to be removed from England to Ireland or Scotland.

1968. That is a power which they possess at present, I believe, with regard to directing pauper emigration?—They do.

1969. The statute gives them power to prescribe regulations of that kind, and all such emigration is conducted, subject to such regulations?—It is so; they have the power, and they are required, I believe, to make regulations for the conduct of the emigration of paupers who are to emigrate; it is done by the issue of an order by the Poor Law Board in London, and that order embodies the regulations which they think advisable should be made. Of course, the regulations which they would make for the removal of Irish paupers would only be analogous to those which they make for the emigration of persons from England; they would not be precisely the same.

1970. Will you describe a little, for the information of the Committee, of what nature those regulations are?—They prescribe the sum which shall be allowed for conveying the emigrant to the port of embarkation. They then require that some provision, in the way of clothing and bedding, shall be made for the emigrant during the voyage; and that when he arrives at the place of his destination, a certain sum of money shall be supplied to the emigrant; to each person exceeding 14 years of age, 1 *l.*; to each person not exceeding 14 years of age, 10 *s.* That money is to be paid to the emigrants in cases in which there is no sufficient provision made upon their arrival for their immediate necessities. I think that, if the Poor Law Board had the power of appointing officers specially for the purpose of managing the business of the removal of Irish paupers, and, when

when exercising that power, were also to provide some such regulations as they have been in the habit of providing for emigration, a great many of the evils, which are justly complained of now as incident to the existing system, would be done away.

1971. You think it advisable then to give such power to the Poor Law Board, possibly with the approval of the Secretary of State for the Home Department, so as to put a check upon it; you think that some provision of that kind would be practically useful?—I have no doubt it would be practically very useful. As the approval of the Secretary of State has been hitherto made a condition to the validity of the regulations, I think the necessity of obtaining that approval might still be kept up.

1972. In what way would you suggest that the paupers should be delivered on their arrival in Ireland, and to whom?—I think that might be perhaps left to the option of the pauper removed. I think that every pauper should be accompanied by a responsible person from England to the port to which he is removed.

1973. A Poor-law officer?—An officer, I should say, an assistant to the removing officer, whom the Poor Law Board would, according to my recommendation, be empowered to appoint; and I think that it should be the duty of that officer to deliver the pauper to the Poor-law authorities of the union in which the pauper was landed, or it might be made an alternative, that the sum which I suggested just now as provision money should be by him given to the pauper, if the pauper chose to proceed inland instead of remaining at the port.

1974. Do you mean a sum calculated according to the distance from the port of landing to the place which the Justices found to be the place of his birth, or to which he belonged?—Yes; a sum calculated somewhat with reference to that distance.

1975. That is a point into which the Justice is bound at present to enter, namely, the place of his birth or the place to which he belongs, because the Justices are obliged to send him to the port next to it?—The Justices are obliged to enter into that question, but simply, as I understand, in reference to the port to which the pauper is to be removed.

1976. You spoke on Monday of a provision in the 8th & 9th Vict., c. 117, enabling parishes not in union, and having a population of less than 30,000, to remove Irish and Scotch paupers at the expense of the county; do you think it desirable that that provision should be retained?—Decidedly not; I would repeal it; I do not see any good object in retaining it.

1977. You would put those parishes upon the same footing as other parishes?—Yes, and upon the same footing as unions.

1978. Do you know whether that provision affects any parishes besides those in the metropolis?—I cannot say, but I should consider it improbable that it does; because all parishes containing a less population than that would be put into union, I conceive, and if a parish is in union it has not that privilege.

1979. I think you told us that there are three parishes which have this right clearly within the provision of the Act of Parliament, and that there is a fourth which claims it, whose right is somewhat questionable?—That is the case. I would add, that there may very probably be, and there are, I feel sure, many unions whose population is less than the sesingle parishes which enjoy the right; but the unions have not the privilege of charging the county with the sum expended in the removal of Irish paupers.

1980. And you think, for the reasons which you mentioned on the last time you were examined, that it is a power liable to abuse?—It is a power easily liable to abuse. I do not see the utility of the provision.

1981. You stated in your last examination a variety of statistical facts and results; I believe you have had those drawn out in two tables, which you are prepared to hand in?—Yes, I have. I think there will be found here, in a tabular form, almost all the information I have given the Committee.

[*The Witness delivered in the following Tables:*]

Paper (A,)

NAME OF UNION OR PARISH.	Population.	5. Removed in 1854.		5. Known to have Returned.		6. Removed at their own request, 1854.		7. Inmates of Workhouse on 27 January 1855.				7. Removable Inmates.		8. Recipients of Out-door Relief on 27 January 1855.				8. Removable.	
		Irish.	Scotch.	Irish.	Scotch.	Irish.	Scotch.	Irish.	Scotch.	Others.	Total.	Irish.	Scotch.	Irish.	Scotch.	Others.	Total.	Irish.	Scotch.
MIDDLESEX:																			
Bethnal Green	90,170	3	—	none	—	none	—	10	—	1,096	1,106	none	—	3	—	947	950	— none.	
Chelsea	56,543	22	—	none	—	no record		29	—	518	547	9	—	86	5	2,571	2,662	18	—
Hackney	58,424	1	—	none	—	1	—	5	—	567	572	none	—	4	1	2,010	2,015	— none.	
Hampstead	11,986	1	1	none	—	none	—	6	—	172	178	2	—	—	—	221	221	—	—
Holborn	46,571	120	1	8	—	12	—	127	1	598	726	91	1	446	—	1,073	1,519	337	—
Fulham	29,648	42	1	2	—	none	—	50	—	415	465	10	—	574	1	1,332	1,907	41	—
Kensington	44,046	63	1	2	—	20	—	60	3	387	450	17	—	529	—	1,563	2,092	49	—
London, City of	55,908	74	25	none	—	—	—	25	2	864	891	none	—	11	5	3,027	3,043	— none.	
London, East	44,407	72	1	none	—	67	1	116	7	360	483	69	4	871	26	2,652	3,549	477	9
London, West	28,829	76	2	none	—	none	—	73	—	434	507	20	—	759	21	2,203	2,983	407	—
Paddington	46,296	—	4	none	—	none	—	4	2	250	256	2	—	3	2	571	576	—	—
Poplar	47,157	16	—	none	—	—	—	113	14	417	544	14	1	90	4	1,841	1,935	—	—
St. George in the East	48,375	59	6	none	—	6	—	187	2	684	873	43	2	349	9	1,373	1,731	135	—
St. Martin in the Fields	24,557	10	—	1	—	3	—	31	4	555	590	6	—	24	—	598	622	—	—
Stepney	110,669	41	—	none	—	nearly all		243	—	1,085	1,328	not stated		881	—	3,195	4,076	not stated.	
Strand	44,446	36	7	3	2	7	2	20	—	730	750	—	—	110	4	1,603	1,717	34	1
Whitechapel	79,756	347	2	4	—	25	—	126	4	916	1,046	7	1	381	10	2,327	2,718	24	1
KENT:																			
Greenwich	99,404	41	1	2	—	6	1	109	22	936	1,067	15	2	767	24	4,531	5,322	179	3
Lewisham	34,831	—	—	—	—	—	—	5	3	181	189	1	—	41	—	806	847	22	—
SURREY:																			
Bermondsey	48,128	33	—	none	—	no record		54	3	667	724	5	—	88	4	1,028	1,120	— none.	
Camberwell	54,668	28	—	none	—	4	—	80	1	348	429	5	1	515	—	1,294	1,809	152	—
Croydon	31,909	5	—	none	—	1	—	10	—	247	257	1	—	30	—	2,185	2,215	15	—
Lambeth	139,240	58	14	5	—	no record		52	—	1,513	1,565	18	—	236	13	6,076	6,325	39	2
Richmond	15,906	4	—	none	—	none	—	2	—	198	200	2	—	29	—	359	388	29	—
Rotherhithe	17,778	5	—	none	—	none	—	15	1	233	249	1	—	158	2	640	800	—	—
St. George the Martyr	51,825	22	—	none	—	none	—	45	7	621	673	11	3	244	—	2,053	2,297	— none.	
St. Olave, Southwark	19,367	41	—	8	—	5	—	39	—	358	397	7	—	788	—	184	972	229	—
St. Saviour	35,729	24	6	none	—	3	—	62	3	385	450	10	—	141	5	1,353	1,499	10	—
Wandsworth and Clapham	50,770	9	—	1	—	4	—	13	—	544	557	4	—	156	12	2,286	2,454	30	6
PARISHES, &c. UNDER LOCAL ACTS:																			
St. George, Hanover-square.	73,207	59	—	5	—	49	—	23	—	516	539	5	—	340	—	570	910	220	—
St. Giles and St. George, Bloomsbury.	54,062	27	—	3	—	none	—	211	1	748	960	61	—	292	1	714	1,007	109	—
St. James, Clerkenwell	64,705	25	—	none	—	very few		2	1	626	629	2	1	25	—	1,261	1,286	— none.	
St. James, Westminster	36,426	12	7	none	—	none	—	99	2	614	715	49	—	148	2	568	718	45	—
St. Leonard, Shoreditch	109,209	10	3	none	—	none	—	28	3	898	929	—	—	143	—	3,370	3,513	—	—
St. Luke, Middlesex	54,058	55	6	none	—	no record		50	2	595	647	35	2	34	—	1,294	1,328	7	—
St. Margaret and St. John, Westminster.	65,609	113	14	not known		a few	—	74	3	680	757	7	3	375	15	2,977	3,367	— no record.	
St. Mary, Islington	95,154	50	1	3	—	47	1	34	4	523	561	—	—	43	—	1,599	1,642	— none.	
St. Marylebone	157,679	206	9	not known		none	—	no record	—		1,987	no record		unknown but 120 irremovable.			5,937	6,057	casual / uncertain.
St. Pancras	167,198	27	1	—	1	not known		273	—	1,365	1,638	2	—	no record	—	—	9,172	—	—
St. Mary, Newington	64,805	6	—	none	—	6	—	28	4	768	800	3 (a)	1	98 (b)	2 (b)	2,657 (b)	2,757	33 (c)	— (c)
		1,843	113	47	3			2,533	99	23,612	28,231	534	22	9,932	168	72,849	92,121	2,641	22
		113																	
		1,956																	

(a) Exclusive of Stepney and Marylebone.
(b) Besides an unascertained number in St. Marylebone and St. Pancras.
(c) Omitting Stepney, St. Margaret and St. John, St. Marylebone, and St. Pancras.

Paper (B.)

NAMES OF UNIONS OR PARISHES.	Is it the general practice to remove Irish and Scotch Paupers?	Are such Paupers considered liable to Removal, notwithstanding they have been resident Five Years in the Parish to which they are Chargeable?	At what Petty Sessions of Justices are the Orders of Removal generally made?	What are the Name and Residence of the Agent employed in the Removal of such Paupers?
MIDDLESEX:				
Bethnal Green	yes	no	-- At any Petty Sessions specially appointed; sometimes Police Court, Worship-street.	R. G. Baker, 325, Wapping.
Chelsea	yes	no	Chelsea Petty Sessions	John Frost, High-street, Wapping.
Hackney	no	yes	Hackney ditto	R. G. Baker, 325, Wapping.
Hampstead	yes	no	Hampstead ditto	John Frost, High-street, Wapping.
Holborn	yes	no	Clerkenwell Police Court	R. G. Baker, 325, Wapping.
Fulham	yes	no	Hammersmith Police Court	R. G. Baker, ,,
Kensington	yes	no	Hammersmith Police Court	R. G. Baker, ,,
London, City of	yes	no	Guildhall	Henry Gill, Swan-lane, Thames-street.
London, East	no	no	Guildhall	Henry Gill ,, ,,
London, West	yes	no	Guildhall	Henry Gill ,, ,,
Paddington	no	no	Paddington Petty Sessions	None.
Poplar	yes	no	Stepney Police Court	R. G. Baker, 325, Wapping.
St. George-in-the-East	yes	no	-- Thames Police Court, occasionally at Petty Sessions.	R. G. Baker ,,
St. Martin-in-the-Fields	yes	no	-- Petty Sessions, St. Martin-in-the Fields.	R. G. Baker ,,
Stepney	no	no	Police Court, Arbour-square	John Frost, High-street, Wapping.
Strand	yes	no	-- Westminster Petty Sessions, Police Court, Bow-street.	John Frost ,, ,,
Whitechapel	yes	no	Worship-street Police Court	John Frost ,, ,,
KENT:				
Greenwich	yes	no	-- Police Courts at Woolwich and Greenwich.	Henry Gill, Swan-lane, City.
Lewisham	no	no	Blackheath Division, Greenwich.	None.
SURREY:				
Bermondsey	yes	no	-- Petty Sessions, holden at the Workhouse.	John Frost, High-street, Wapping.
Camberwell	yes	no	-- Petty Sessions, St. Saviour's Church, Vestry Hall, Camberwell, Lambeth Police Court.	John Frost, High-street, Wapping.
Croydon	no	no	Petty Sessions, Croydon	R. G. Baker, 325, Wapping.
Lambeth	yes	no	-- Petty Sessions, Workhouse, and Lambeth Police Court.	John Frost, High-street, Wapping.
Richmond	yes	yes	-- Petty Sessions, Vestry Office, Richmond.	-- James Chitty, White Cross-row, Richmond.
Rotherhithe	yes	no	Southwark Police Court	Henry Gardner, Paradise-street, Rotherhithe, Beadle. J. B. Sanders, Paradise-row, Rotherhithe, Assistant Relieving-officer.
St. George-the Martyr	yes	no	Southwark Police Court	John Frost, High-street, Wapping.
St. Olave, Southwark	yes	yes	Southwark Police Court	John Frost ,, ,,
St. Saviour	yes	no	Petty Sessions, St. Saviour's Church	H. Sturney, Wellington-street, for St. Saviours. A. Blake, 79, Blackfriars-road, for Christchurch.
Wandsworth and Clapham	yes	no	Wandsworth Police Court	Wm. Stringer, Wandsworth, Relieving Officer. John Northcote, Clapham, Messenger.
PARISHES, &c., UNDER LOCAL ACTS:				
St. George, Hanover-square	yes	no	Marlboro'-street Police Court	R. G. Baker, 325, Wapping.
St. Giles and St. George, Bloomsbury.	yes	no	Bow-street Police Court	R. G. Baker ,,
St. James, Clerkenwell	yes	no	-- Vestry Room, St. Martin-in-the-Fields.	R. G. Baker ,,
St. James, Westminster	yes	no	Marlboro' street Police Court	John Frost, High-street, Wapping.
St. Leonard, Shoreditch	yes	no	-- Worship-street Police Court, or Petty Sessions, Shoreditch Church.	R. G. Baker, 325, Wapping.
St. Luke, Middlesex	yes	no	-- Worship-street Police Court, or Petty Sessions, Workhouse.	R. G. Baker ,,
St. Margaret, and St. John, Westminster.	yes	no	Guildhall, Westminster	R. G. Baker ,,
St. Mary, Islington	yes	no	-- Clerkenwell Police Court, or Petty Sessions, at Parochial Offices.	-- R. T. Tubbs, 6, Brooksby-street, Islington.
St. Marylebone	yes	no	Police Court	R. G. Baker, 325, Wapping.
St. Pancras	yes	no	-- Petty Sessions, Vestry Office, St. Pancras.	R. G. Baker ,,
St. Mary, Newington	no	no	Local Justices at the Police Court	-- Parish Officers, and occasionally, John Frost.

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1982. You were asked, when you were here on Monday, as to the principles upon which the dietaries in the Irish workhouses have been constructed, I believe that was a subject to which your attention was particularly drawn when you were over in Ireland?—It was.

1983. Is there a report of yours in the Sixth Annual Report of the English Poor Law Commissioners, Appendix D, page 399, in which you state officially your views to the Commissioners upon that subject?—There is.

1984. Something has been said here by some witnesses about persons being sent over in a state of destitution from Ireland; have you any knowledge of any cases of that kind yourself?—Instances of such a proceeding certainly occurred while I was in Dublin. There were certain charitable institutions there which, I know, used occasionally to avail themselves of that means of diminishing the number of claimants upon them, by sending them away from Ireland to England.

1985. To beg in England?—I will not say that they were sent away in order that they might beg in England; but they were sent away without any provision being made for their support upon their arrival in England.

1986. Do you know of any case of that kind?—I recollect cases of the kind occurring; I recollect particularly one case in which the then secretary to the Mendicity Society told me that he had sent away 100 of the poor persons that were receiving relief from the Mendicity Society.

1987. He had sent them where?—He had simply sent them across to Liverpool.

1988. When was that?—The precise date I cannot give, but it was when I first went to Ireland; it must have been in the year 1839 or 1840.

1989. Sir *J. Trollope.*] Did the secretary to the Mendicity Society tell you that he had done it by any form of law, or simply with the consent of the parties themselves, and at the expense of the Mendicity Society?—It was simply done with the consent of the parties themselves, and at the expense of the Mendicity Society.

1990. Mr. *Grogan.*] Was the Poor-law in operation in Ireland at that time?—Yes.

1991. Were the Dublin workhouses open?—No, the Dublin workhouses were not open.

1992. Were there any workhouses in Ireland open for the reception of paupers?—I think not.

1993. Mr. *De Vere.*] Were those persons willing to work?—I cannot tell; but it is probable that they were not, because they were persons receiving relief from the Mendicity Society at the time.

1994. Were there not, practically, persons receiving relief from the Mendicity Society who were willing to work; was it not a common practice?—There might have been; I cannot state precisely whether there were or not.

1995. Then you cannot state whether they were sent into this country for the sake of finding employment?—No, I cannot state with what views they were sent into this country; I do not suppose they were sent with any distinct idea of what was to become of them after they were landed.

1996. *Chairman.*] They were sent from Ireland to Liverpool?—They were sent from Dublin to Liverpool.

1997. Mr. *Smollett.*] In order to reduce the pressure in Dublin?—Apparently.

1998. *Chairman.*] You have not been in Ireland since?—I have not been in Ireland for 12 years.

1999. And you have no knowledge yourself, I suppose, of anything of that kind subsequently?—No.

2000. Sir *R. Ferguson.*] You state that there is a doubt relative to the power of detention of an English pauper, before being removed to his place of settlement or birth?—So I understand.

2001. By the 8 & 9 Vict. c. 117, s. 3, a power is given to the person executing the warrant to detain poor persons from Ireland until they are sent off; and under the Act of the 10 & 11 Vict. c. 33, the person relieving them is authorised to detain those people until they have been brought before the justices; and if he satisfies them, he is authorised to detain them until they are sent to Scotland. Are you aware of those Acts?—I am not familiar with the provisions of the second Act which you mention.

2002. Would you propose to continue that power, as contained in that second Act?—I think it might be well to retain that power, provided certain alterations were made in the form of procedure, which I suggested in my previous examination, which I think are calculated to make the proceedings more careful and more regular than they have hitherto been in London. Looking at this Act, giving only the hasty inspection of the Act which is possible now, it appears to me that the point of it is, that the pauper may be taken without summons or warrant; that, instead of the officer going first and getting a summons or warrant from the magistrate, he may take the pauper at once before the magistrate without summons or warrant, and then the removal may follow the usual course.

2003. You would give him the power, you say, of detaining the pauper applying for relief until that was done?—He had that before. I cannot conceive that the power of removal can be exercised to any effect, unless it is accompanied with the power of detaining the person to be removed, in any case, English or Irish. It appears to me, that the exercise of the power of detention is to be prior to the production of the pauper before the justices; it does not appear intended that a power should be given to the guardian, relieving officer, or overseer to detain the pauper after he has been produced before the justices, who are to make the order or warrant for his removal.

2004. But do you think it would be necessary to continue that power, and to give the officer the power of keeping the pauper in custody until he was so brought?—Yes, I think so.

2005. Suppose a person had been relieved in sickness, and having got better, was willing to go and resume his work, would you give the relieving officer the power of detaining that man?—I would give that person an exemption from being removed altogether, because that is one of the grounds of exemption which is given to English poor persons by what we commonly call the Irremovability Act.

2006. *Chairman.*] I believe, according to the construction of the Poor Law Board, an Irishman is held to be entitled to the same privilege?—Just so. Relief obtained on account of temporary sickness does not involve the removal of an English pauper; we hold that an Irish pauper is entitled to the same privileges, as they are termed, as an English pauper in respect of irremovability.

2007. Sir *R. Ferguson.*] Is that generally done in the unions in London?—Generally.

2008. Supposing the case of his being temporarily out of work and asking for relief, in that case would you continue the power of detention?—Certainly; it appears to me that wherever there is the power of removal there should be such other powers as are necessary for the exercise of that power; the power of detention is one of them.

2009. Would you extend that to all classes of paupers, English and Irish?—Decidedly.

2010. *Chairman.*] You understand that it does so extend at present by necessary implication?—Exactly so.

2011. Detention so long as is reasonably necessary to carry out the order of the justices?—Just so, that is my opinion.

2012. Mr. *Grogan.*] I believe the detention, to which Sir Robert Ferguson refers, is a detention prior to the decision of the justices as to the removability or non-removability of the party?—So I understand.

2013. Do you not conceive that, the object being to remove a pauper who would otherwise become a burthen on the rates of the parish, it would be quite sufficient to gain power over him after the decision that he should be removed?—My opinion is that the pauper whom it is proposed to remove, should always be produced before the justices in court; there must therefore be some power by which a pauper unwilling to appear may be made to appear. The question, I think, resolves itself into this: whether the officer who is prepared to make a complaint should have the power of compelling the pauper to appear before the Justice at once; or whether that officer should be under the necessity of going first to the Justice, making his complaint against the pauper, and obtaining from the Justice a summons or warrant to compel the pauper to come.

2014. But do you not conceive that it would place an extremely arbitrary power, and one liable to great abuse, in the hands of an official not of a very high rank?—I should not apprehend any oppression of the pauper if I conferred such

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a power as that, because it would simply amount to this, that the pauper should be made to appear before the Justice to tell his story. I would by no means, as I have already stated before the Committee, deprive the Justice of the full discretion which he now has of removing or not removing, according to the evidence; I think there would be no oppression or injury to a poor person in requiring, or if you will, compelling him to appear before the Justice and tell his story there, instead of going first to the Justice, and then compelling his appearance by virtue of a warrant or summons.

2015. Would not it be a more formal matter, and more consistent with the usual practice of the law, to have a complaint and a summons, and then if the pauper should refuse to attend, to bring him by compulsion before the Justice, than to take him arbitrarily before the Justice, when possibly the Justice may decide that it is not a case for removal?—It would be more conformable to the practice of the law, no doubt, with reference to other matters, but the question as now put to me is a recommendation to alter that which is law; it is now law to do it, and I think I can see sufficient ground, which must have occurred to those who promoted the making of the law; if you did not do it, you would afford an opportunity to the pauper, after having obtained his relief, to keep out of the way.

2016. If he kept out of the way he would cease to continue a burden upon your rates?—Yes, for a time he would, as long as he kept away; but he might repeat the process of applying and absconding almost *ad libitum*.

2017. I assume the case of a pauper applying for relief under a casual want of labour; you give him that relief; the pauper, in order not to be removed, ceases to ask for relief, and thereby the charge upon the parish ceases with that act. He applies a second time; what is there to hinder the relieving officer lodging his complaint and taking out a summons in the interim, and then having an opportunity of bringing the pauper to a court of justice upon the second occasion?—I apprehend that a summons or warrant cannot be obtained and kept in the custody of the relieving officer, or parish officer, to be used when convenient.

2018. Not indefinitely, certainly?—Assuming that there is to be a power of removing paupers, the more simple plan, and I think a plan which would carry with it no necessity for oppressing or injuring the pauper, is to give the officer the power of compelling the appearance of the pauper before a magistrate. Perhaps I may be allowed to say that I am not familiar with the circumstances which led to the passing of this Act of Parliament, and I confess that the point, as presented to me now, is a new point which I have not considered.

2019. *Chairman.*] Perhaps you have not read the evidence of the Rector of Liverpool, in whose evidence the circumstances were detailed?—No.

2020. Mr. *Grogan.*] You are aware of a difference of interpretation with regard to the removal of English and Irish paupers having prevailed, not in your district, but in some unions in England?—I understand so.

2021. Supposing that those unions which did not give the Irish pauper the privilege of non-removability were to arrest the man at once, and bring him before the Justices, and the Justices were to decree that he was entitled to the same privileges, and was not removable, how do you conceive that that would operate? Would it operate justly to the pauper?—You mean that it might be said, then, that he had suffered a short period of unlawful detention or imprisonment?

2022. Yes?—I hardly think it would be fair to put that interpretation upon it; it should be rather presumed that there was a reasonable doubt upon the mind of the officer arresting the pauper, to use that term, which doubt was decided in favour of the pauper and against the officer when the case was heard by the magistrates.

2023. But inasmuch as the officer is liable to err, and supposing, for instance, he has erred in his interpretation of the law, is it not a great hardship to subject the pauper to the effects of that misconstruction of the law?—My own recommendation, as I have stated, is that the point should be made perfectly clear by an enactment, declaring that the Irish and the English stand precisely upon the same footing, in reference to irremovability.

2024. The tendency of my question was simply to draw out the balance of disadvantages attending the power of arresting the pauper in the first instance, as compared with throwing the trouble upon the relieving officer of obtaining a summons and then arresting him, after the decision of the magistrates; upon which side

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do you consider that the balance of inconvenience rests?—I think the balance of inconvenience would rest on the side of the officer who had not the power necessary for availing himself of that right which the law has conferred upon him, of removing the pauper.

2025. In the earlier part of your evidence, you stated that you considered that any Irish pauper who had had an industrial residence of five years in any union in England should be irremovable afterwards?—From that union.

2026. Am I to understand that, on his leaving that union and going to another, the previous industrial residence would free him from the liability of being removed to Ireland?—I did not mean to convey that as my opinion: in reply to the question in which Lord Naas suggests that that should be the law, I say, "I have thought of that; it has occurred to me that possibly if an Irish person had ever acquired irremovability anywhere in England, he might then become irremovable generally from England." Then I go on to state reasons which I think are conclusive against altering the law so as to give it that operation.

2027. Then your opinion is, that having become irremovable from a union by five years industrial residence, the pauper's non-liability to removal should only apply to that union as long as he remained there?—Yes, as it would be in the case of an English pauper.

2028. You retain the period of five years: other gentlemen who have been examined before this Committee have stated that they thought three years a sufficient time to show that the party was really an industrious man, and that if he came to require relief, it was accidental; that he was not a pauper, strictly speaking; do you consider it absolutely necessary to retain so long a period as five years?—I think, with reference to the object in view, it is necessary to retain the period of five years; it is difficult to give very precise reasons why one period rather than another should be chosen in a matter of this kind, but as the period of five years has been already fixed by law, I do not see sufficient reason for altering it.

2029. If three years had been fixed by law, would you have seen any reason to alter it?—I should have had an opportunity then of seeing how a period of three years had worked; I really cannot now say whether I should have discovered a reason for recommending that it should be altered or that it should be retained.

2030. Then your opinion of five years is based more upon principle than upon any thing else?—Five years has been found, I believe, to effect the object which was in view when a period was fixed; I see now no reason to alter the period from five years to a shorter period.

2031. But you do not see any reason why the three years should not be substituted; other than that the five years have been previously enacted?—I think you want a good conclusive proof that a man is willing to earn his livelihood in the place where it is found, and also that he is able to do it; and I am not prepared to say that a shorter period than five years would be enough to establish those two points conclusively.

2032. Do not you think that three years industrial occupation would be quite sufficient to test a man's character as an industrious man, and his ability to maintain his family without applying for relief?—It might be sufficient to establish his character, but not be sufficient to establish his ability. The question is, whether the man should remain permanently or not; and there may have been accidental circumstances which may have put it into his power to maintain himself for a year, or even for three years, which might not occur again for a number of years afterwards.

2033. Sir *J. Trollope.*] If this law of irremovability was changed, if you thought it desirable to shorten the period of residence, it must be made applicable to the inhabitants of the three kingdoms of Ireland, Scotland, and England, must it not?—I think so.

2034. Then would you propose to change it with regard to Irish persons resident in England, without changing the law relative to English persons so gaining an industrial settlement?—Certainly not, or Scotch persons.

2035. Mr. *Maguire.*] Do you know what the duties of an Inspector in Ireland are; do you know that one of his duties is to attend at the Board of Guardians, and to give the benefit of his experience and advice to the guardians in their deliberations?—Yes, I know that that is one of their duties.

2036. Was that part of your duties as an Inspector here?—Yes.

2037. Did you attend from time to time at the meetings of the Boards of Guardians?—I do so now.

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2038. Did you attend at the meetings of those Boards of Guardians who did not give the Irish the benefit of the five years Act?—I have done so.

2039. You say that even up to this period they do not consider themselves legally justified in giving the Irish the benefit of the Irremovable Act?—I stated that they had not made up their minds upon the point; and, if I remember rightly, I was then asked whether they generally acted upon their own view; I said I thought not.

2040. Did any cases come before you where the question arose and became matter of debate before the guardians of those unions?—Cases have from time to time come before the guardians when I have been in attendance, and it is upon cases that the question has arisen.

2041. Cases having arisen, and having been brought before the Board and discussion having ensued, did you think it part of your duty to give the benefit of your advice and of your knowledge to the Board of Guardians?—I always told them what my opinion upon the point was.

2042. Did you tell them distinctly that that was the law; that there could be no doubt as to the construction of it?—I told them distinctly that I believed it to be the law, and had no doubt upon it myself.

2043. Did you refer to any recognised authorities, such as the decision of a court of law?—There has been no decision.

2044. Has there not been an opinion of the law officers of the Crown?—I rather think there has been more than one opinion upon the point.

2045. And there has been on more than one occasion a distinct opinion given upon the question by the Poor Law Board?—That I am not aware of; I do not recollect any.

2046. The guardians still continued to hold their opinions in spite of your, what I may call, superior information upon the matter; you did not convince them?—My opinion I dare say has had some effect in some Boards; for there has been a change of opinion among the Boards upon the point.

2047. Speaking of the three Boards which you have mentioned, you gave me to understand that up to this moment they have rather retained their opinion, but that the others did retain it until recently; is that what you wish to say?—Yes; I would rather express it in this way, that the opinion that the Act conferring irremovability did not extend to Irish and Scotch poor was sometime ago held more extensively than it is at present; that gradually the opinion has come to prevail that the Act does affect the Irish and Scotch poor in the same way as it affects the English.

2048. Will you be a little more explicit by defining the time; up to what period; would you say three years ago, four years, or five years?—I am afraid I cannot fix any period at which a change of opinion took place upon this point.

2049. Your jurisdiction extends over how many unions?—Over 40 unions and parishes.

2050. During the last five years have 20 of those unions held the opinion that the law did not apply to the Irish and Scotch?—I really cannot say; though of course I am very desirous to give the precisest possible information to the Committee, I am totally unable to say.

2051. Your impression is, that a larger number than three held that doubt some two or three years since?—That is my impression.

2052. You stated to the Committee that you were officially connected with some six or eight counties in England for four years?—Yes.

2053. Did you think it worth your while to inquire into the operation of the Law of Removal, so far as regarded English paupers; did it come under your observation during that time?—Certainly.

2054. Did you ever form any opinion upon it, whether it was a great hardship to the poor or not; I am now speaking entirely of the English poor?—It does operate certainly, in certain cases, as a hardship to the English poor people.

2055. Is your idea of hardship such, that you would wish to abolish the law for the English?—I have not, I believe, so very clear an opinion in favour of the abolition of the Law of Removal as regards English paupers, as other gentlemen have.

2056. Is your impression the other way?—My impression is rather the other way.

2057. You seem rather anxious to assimilate the law; to place the Irish, as you

you say yourself, exactly upon the same footing as the English; that seems to be your wish generally, does it not?—With reference to irremovability?

2058. Yes?—Certainly.

2059. If the law were abolished as to England, if, in fact, the Right honourable Chairman's Bill were carried, do you think it would be fair to continue the present law, so far as the Irish are concerned, the law being abolished for the English?—I do not myself see that a law which would abolish the removal of English paupers, but did not abolish the removal of Irish paupers, would have any thing unfair in it.

2060. Why?—It would simply amount to this, that you conferred a benefit upon a certain portion of the community, supposing it to be a benefit, and that you withheld it from another portion of the community.

2061. Considering that it is one and the same country, do you think that that is a fair and proper mode of legislation?—I do not think it is a point which can be decided upon abstract views of what is fair.

2062. Just or equitable?—Or just or equitable.

2063. Prudent?—That is exactly what I do think, that you should consider whether it is prudent or not; you cannot decide it upon abstract principles of justice and equity, without considering whether the change would be prudent.

2064. Doing away with abstract principles of justice and equity altogether, you think it rather selfishly prudent that one part of the community should receive what they regard to be a benefit, and that the other should be denied it?—There may be very good reasons for withholding a benefit from one part of the community, and conferring it upon another.

2065. Even though the withholding it from one class of the community violates the principle of abstract right and justice?—I do not think it does; I do not think this is a question which can be discussed or decided solely upon such grounds as that.

2066. You said that some parishes did not remove, and I think you gave as a reason because the vacancies were immediately filled up, and I think you gave the East London amongst other parishes whose policy was against removal?—Yes.

2067. Are you of opinion, that the Law of Removal is of this service, that it deters applications?—It does operate to deter applications for relief.

2068. Do you think that it would also have the benefit of preventing a number of Irish running over?—I think it also does that.

2069. You say that the East London and other very populous parishes do not remove; have those parishes a larger number of applications from Irish, than other parishes?—I think they have; I think the East London, decidedly, has a larger number.

2070. Is not the East London one of the most populous parishes in London, and therefore ought it not to have a larger number of applicants than one less densely populated?—If the population is Irish, you would expect it to be so.

2071. Do not you generally find a large number of Irish where there is a dense population, in about an equal proportion?—Certainly.

2072. Taking everything into consideration, do you find that there is a larger number of Irish applicants in the East London parish than there is in any other parish, taking the density of its population into account?—To say absolutely, that the proportion who apply is larger in the East London Union than in any other, I am perhaps hardly prepared; but it is certainly one of the unions which I should name, or perhaps the union which I should name first, as having a large proportion of its applicants Irish people.

2073. But you say, at the same time, that it is one of the most densely populated in London?—That is true.

2074. Am I right in assuming that the policy of a parish, either its removing or its non-removing policy, is very well known to the poor?—I dare say it is very well known to the Irish poor.

2075. In fact, it becomes perfectly notorious?—I dare say they know it very well.

2076. Is it not rather a strange thing that an enormous number of applications are not made to those non-removing parishes; how do you account for that; if their non-removal policy is patent and notorious, how do you account for it, taking everything into consideration, that they have not a larger number of applications for relief than those parishes whose policy of removing is equally notorious?—

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notorious?—I have already stated, that the East London Union is a union very densely populated, and I have given as a reason why they do not uniformly remove Irish recipients of relief, that they think if they made room for others, others would come; therefore they prevent such an extraordinary number as you allude to by keeping the Irish from coming and taking up their abode in their union.

2077. How do they do that?—By not removing those who are already in it; so that, in point of fact, there is no room within the union for additional Irish applicants to come and live; that is their view, and it is upon that view that they act.

2078. Is the same view held by others?—I think I stated before, that I had heard the same line of argument in other unions.

2079. Then the power of removal is practically a dead letter, and of no advantage to them; is not that the drift of your argument?—Certainly.

2080. So far as those densely populated parishes are regarded, you might as well have the law abolished altogether?—I do not admit that, because the East London Union is actually giving relief to a larger number of Irish applicants than any other union in London except one; when this Table is before you, you will see, as I have already stated in my evidence, that the number of Irish recipients of relief in the East London Union on the 27th January 1855, was 871; glancing my eye down the column, there is one other, namely, Stepney, which is also a non-removing union, where the number is even larger, that is, 881; there is no other which has a number anything like so great as that.

2081. Have you the population of the East London Union?—Yes.

2082. What is it?—Forty-four thousand four hundred and seven.

2083. What is the Irish population computed at?—I have no means of knowing; I perhaps may be allowed to mention that on a former occasion I drew a comparison between the circumstances of the East London Union and those of its neighbouring union, Whitechapel, which is much more populous, but was relieving a less number of Irish applicants; it is not only much more populous, but it is inhabited by a very large number of Irish people, as is well known to those who live in London.

2084. Have you observed in the course of your official experience whether the Irish generally object, or the contrary, to the system of in-door relief?—I do not think they object to it in London.

2085. Have you personal experience of that, or have you formed your impressions from any information derived from those who immediately administer the law, namely, relieving officers and others?—I form my impressions partly from my own observation, and partly from information derived from the officers.

2086. If we had before us several witnesses, such as relieving officers and persons of that class, who stated that the Irish were unwilling to receive in-door relief, would you think that that was consistent with the truth?—Of course I might find that their opinion and mine differed upon these points.

2087. Your impression is different?—My impression is different; I find by the returns which I get, that a very considerable number of Irish are inmates of the workhouses, as will be seen when that Table is inspected.

2088. With respect to the orders of removal, I think it is your wish that the inquiry into all these cases should be made in open court, and that the order should be given after a mature consideration of each case?—It is.

2089. When a Board of Guardians considered that they had a right to remove a party whom you thought they had no right to remove, that is to say, a person who you considered had the protection of the five years' Act, before what description of magistrate did the guardians send that case?—Sometimes they would send the case before a magistrate, to a police court, and sometimes before Justices sitting in petty sessions.

2090. Do you think that the guardians holding that doubt would rather send that case before a court of justice or before a stipendiary magistrate?—I am inclined to think that they would rather send it to the petty sessions.

2091. Where Justices of the county had to sit?—Yes.

2092. Those gentlemen, I would almost assume from your answers, as well as from the statements made by others, found no difficulty in settling that five years question?—I cannot say to what extent that view was taken by county magistrates.

2093. Do you know what was the view taken by stipendiary magistrates?—I believe generally they have taken the view that the Irish were not removable after five years' continuous residence.

2094. Up to the present moment, I believe, the granting of those orders and the inquiry into the cases has been more a matter of form than anything else?—Not always.

2095. Generally?—I should hardly say generally; I have been informed that in the City of London there is very considerable inquiry made, and that the Aldermen sitting there by no means remove as a matter of course: that information is derived from the agent, Mr. Gill.

2096. The largest number of removals, as you stated, from London was to the City of Cork?—Yes.

2097. One thousand and seventy, if I remember rightly?—Yes.

2098. That is considerably more than half of the gross number for the year; the gross number having been either 1,700 odd, or 1,800 odd?—Yes; of the aggregate removals to the different places, the number to Cork was 1,070.

2099. What is the whole number?—One thousand seven hundred and sixty-seven.

2100. So that the large majority were sent to the City of Cork?—Yes.

2101. And sent, I believe, nearly in all cases by sea?—That I cannot say; probably a great many more were sent all the way by sea than were sent partly by sea and partly by land, because it is only during four months of the year that they send partly by land and partly by sea; all the other eight months they send by sea.

2102. How are the unions divided; is there a larger number on the Surrey side than on the other side of the river, generally?—There are more on the Middlesex side of the river.

2103. Do the guardians on the Surrey side strictly carry out the rule of the magistrates, that for four months of the year the paupers shall be sent part of the way by land?—I think so.

2104. But the greater number of the guardians send always by sea?—Yes.

2105. At every period of the year?—At every period of the year.

2106. Then they do not keep the pauper against whom an order is obtained for any time, at any season?—Not at any season.

2107. Do they keep them for a fortnight?—No, not so long as that.

2108. So that, necessarily, they must send the paupers in very severe weather, if they send them in winter?—If they send them they must necessarily send them in severe weather.

2109. And they do send them whenever applications are made, and orders are obtained?—I know that they not unfrequently refrain from taking out orders during the very severe weather, on the ground that the weather is too severe.

2110. Have you the number of returns for the year which you have mentioned?—No.

2111. Do you think you could prove that a smaller number is sent in the winter and in the spring than in the summer?—I have no doubt that a smaller number is sent in the winter than is sent in the summer months.

2112. Would you say that a smaller number is sent in the spring or autumn than in the summer?—No, I would not say that; I have not the means of determining that point.

2113. Do you know that the voyage from London to Cork is never performed in less than three days, and that it frequently occupies five?—I know that it is a voyage of very considerable extent.

2114. It is very long; 500 miles, I think?—Yes. Though it is a point which I think would be left to the Poor Law Board to regulate, under the power which I propose should be given them of making regulations, I certainly, myself, should be prepared to recommend that at all seasons of the year so much of the journey as could be performed by land should be performed by land; that the voyage should commence at an English seaport.

2115. *Chairman.*] A Bill was introduced in the year 1848, upon which I find the names of Mr. Clements and Sir Robert Ferguson, "to amend the Proceedings required by Law in the Removal of Poor Persons from England and Scotland, and in Appeals against the same;" I see that the first clause provides that the names and ages of children shall be inserted in the warrant of removal; probably you would think that proper?—Certainly, a very proper provision.

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2116. Do you know how that is now?—It is not done in the Irish warrants.

2117. Sir *J. Trollope.*] But you know it to be necessary in an English warrant?—Yes.

2118. Those facts are invariably set out, are they not?—I believe so.

2119. *Chairman.*] And you think it quite proper that it should be done in the Irish warrants?—Yes.

2120. Then I observe the second provision is, that a copy of the warrant or order shall be sent to the guardians of the poor of the union to which the poor person is to be removed in Ireland; what do you think of that suggestion?—I think it might possibly be useful to do it, and in order to take the chance of its proving useful it would be very well to enact that it should be done; I do not precisely see what the guardians are to do with these documents when they receive them.

2121. It could do no harm?—It could do no harm.

2122. Mr. *Maguire.*] Do you contemplate the Port Union alone?—Yes.

2123. *Chairman.*] The provision is, "containing the place to which the poor person is, by such warrant or order, to be removed"; he is removed to the Port?—It must be to the Port Union; that is why I say I do not see exactly what the use of it would be, but I do not see that any harm would result from it.

2124. The third clause, I observe, is that the Poor Law Commissioners in Ireland may appeal against the order of removal instead of its being done, as it is now, through the Poor Law Commissioners in England; do you think the Poor Law Commissioners in Ireland more proper than the Poor Law Commissioners in England for that purpose?—No doubt.

2125. I suppose you think the present a very undesirable state of things?—The present state of things appears to me to be undesirable; the existing provisions are useless.

2126. Mr. *Maguire*] There was never but one appeal, I believe, prosecuted, and that broke down?—Yes, I believe so.

2127. Mr. *De Vere.*] Will you refer to your former evidence, Questions 1827 and 1828; you stated that in the year 1849 there was a very large number of paupers removed from the parish of St. Martin-in-the-Fields?—I did.

2128. I think you stated that the expenses had risen to something over 4,000 *l.* in that year?—Yes.

2129. And you stated that those expenses had diminished in the year 1854 to somewhere about 14 *l.*?—Yes.

2130. You attributed this extraordinary circumstance to the fact that persons had generally received intelligence that this was a removing parish; that they would be removed from it?—Yes, that is one cause to which I should attribute that circumstance.

2131. And that they flocked there in great numbers; those were your words?—Yes.

2132. Has it ever struck you that any Irish persons coming over to this country would be induced to come over with the knowledge that they would be removed back to their own country at the public expense, and that it would operate more largely in the cases of persons who had very precarious means of supporting themselves by their own labour?—It certainly has occurred to me, and I believe it has been urged as an argument in favour of abolishing the power of removal here, that it had a tendency rather to increase than to diminish the number of Irish persons resorting to this country. That is not the view which I should take of the case.

2133. You found that it had that tendency in the case of that particular parish?—These were persons who were already in London; and it happened, you will observe, at a very peculiar time, after there had been an extraordinary influx of Irish into England, in 1849.

2134. You stated also, that taking away the power of removal would tend to demoralise the Irish poor by increasing their numbers?—Yes; by producing among them those consequences which would follow upon an increase of their numbers.

2135. Do you not believe that a system which, as you have stated, prevents the Irish poor from applying for relief when that relief is necessary, also tends to demoralise them by keeping them in a state of unrelieved pauperism?—I do not see that demoralisation would be the necessary consequence of that. I think all our English experience would tend the other way; that the more moral and the

the more efficient portion of our labouring classes would be those who had found the greatest difficulty in obtaining relief from the poor-rates.

2136. You have stated, that inasmuch as you found in those places where English paupers were not removed, a more moral, and a better conducted, and better circumstanced class, you concluded that the Irish would be so likewise. Is there not a great distinction; is not the removal of an Irish pauper much more of a punishment to him than the removal of an English pauper is to him?—What I intended to argue was this, that a population are generally in a better state with reference to their industrial habits, and to those moral habits which are connected with industrial habits, when it is difficult to obtain relief, than when it is easy; and that therefore that which would operate to take away the obstacles in the way of obtaining relief, would *pro tanto* operate to diminish the industry, the providence, and the general morality of the class.

2137. You said that that had been the result which the Commissioners of Inquiry had arrived at in the year 1834?—They were very clear upon that.

2138. That was with regard to English paupers?—Yes.

2139. Is there not a strong distinction between the operation of the law of removal, as regards English paupers, and the operation of the same law as regards Irish paupers; in the latter case, does not it operate much more as a punishment, and therefore as a prevention from seeking relief, than in the former case; in the case of the English pauper the removal being to his own parish in England, and in the case of the Irish pauper the removal being to Ireland?—I think the operation of the law would be precisely the same in both cases; when the Commissioners state that the labourers who were liable to removal in any given parish were the most moral and the most efficient of the labourers in that parish, they imply that they were so because they entertained a very serious objection to being removed from that parish to any other, which objection operated as a means of keeping them from applying for relief. I think one cannot measure precisely whether the objection is more strong in the mind of an Irish person in London than it would be in the mind of one of these English labourers in the supposed case in the country.

2140. You do not think that a poor Irish person has a stronger desire to receive relief from the authorities in this country than an English person under the same circumstances?—Certainly not; I believe a pauperised Englishman will get all the relief he can.

2141. Then you do not think that the Irish poor in this country are more liable to throw themselves upon the parish relief than English poor under the same circumstances?—I would not cast an imputation of that kind upon the Irish, certainly; I think their condition of living in London is more precarious, generally speaking, than the condition of the English; I should not say, as far as my experience goes, that the Irish, taking them as a class, are more prompt to have recourse to the relieving officer than the English people.

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2142. *Chairman.*] I BELIEVE your Lordship is desirous of making some observations to the Committee in reference to a part of the evidence given here by the Honourable Member for Stroud, Mr. Poulett Scrope; am I right in that opinion?—Having been, through your courtesy, permitted to look at a portion of the evidence which was given here, and finding my own name referred to (whatever little authority might attach to my opinion, which authority I am far from overrating), I am desirous of offering some explanations upon the subject; but in doing so, will the Committee excuse me, in the first instance, if I state, in the most unqualified manner, that, differing from him as I shall have occasion to do in relation to the accuracy of his statement, I am the last person who would attribute to the Honourable Member for Stroud, with whom I have been long in habits of friendly intercourse, the possible supposition that he has intentionally gone wrong; at the same time, there are points here which are of some importance to myself to set right as a witness. If a man is to be called as a witness, it is obviously more convenient, both to the Committee and to himself, that he should be the witness himself rather than that any statement of his opinions or of his conduct should be given second-hand. I am far indeed from attributing to my Honourable Friend, as I may take the liberty of calling him, the Member for

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Stroud, the slightest intention of either misstating anything relating to me, or of misleading the Committee.

2143. If I am not mistaken, the questions to which your Lordship refers are, 1640, 1641, 1642, 1643, 1644, and I believe again at No. 1715; your Lordship will find four questions in which your name is introduced, 1715, 1716, 1717, and 1718?—Yes; I think I had better begin at No. 1637. I find it there stated, "I have seen a very great indisposition on the part of many Irish proprietors and other Irishmen towards the principle of the Irish Poor Law; it was resisted by a considerable number of that class, and I believe many, even at present, think that it was unfairly imposed upon them by an English majority in Parliament, and those gentlemen may still think it consistent with their principles to get rid of as much of this unjustly imposed pauperism as they can, and even to saddle it upon the country by whom it was imposed." Then, at No. 1640, the witness being referred to the Report of the Poor Law Commissioners, and being asked whether any passage can be pointed out in that indicating a disinclination or reluctance on the part of the Irish proprietors or gentry to administer the Irish Poor Law, he says, "No, nor am I attributing the feeling which I am speaking of to the general body of the Irish gentry; by no means; but I see that some gentlemen, Lord Monteagle for example, who stood foremost in opposing the application of the poor law to Ireland, are now equally foremost in demanding the non-removal of Irish poor from England, and I cannot help thinking that the same motives and feelings or opinions which dictated to them one class of action are now the motives for the other." I have called the attention of the Committee, very respectfully, to these two statements, because they are bound up together, and whilst there is an admission that there is nothing stated upon the face of the official report to countenance the suggestion, and whilst also it is stated that to the general body of Irish proprietors no such imputation as this is applicable, it is stated with equal distinctness, that to another class of Irish proprietors, of whom I am stated to be one, the imputation of these opinions and motives is said to be justly applicable. Now a word upon this: in the first place, speaking of myself (I do not presume to answer for anybody else) the Committee will have the goodness to distinguish between an opposition to a poor law for Ireland, and an opposition to certain and peculiar modes of carrying that poor law into effect. In relation to myself, so far from its being in the slightest degree consistent with truth that I was to be held up before a Committee of the House of Commons, a body for which, from long intercourse, I am a person who would be most disposed to feel respect, as being opposed to all possible measures of what may be described as a poor law in Ireland, I beg to dispose of that by one sentence, reminding the Committee that I had the honour of being one of the confidential advisers of the Crown in proposing the Poor Law for Ireland in the year 1837, and in carrying it through Parliament; and any help which I could render individually, or as a member of the Government, or as a private Member of Parliament, or as an Irish proprietor, in administering that law, that assistance both in Parliament and in Ireland has been invariably given; it is quite true that no one can have been more opposed, and is more opposed than I am myself to the principle of out-door relief, especially to the able-bodied poor. In expressing that opinion, I am not about to occupy the attention of the Committee by entering into a discussion on which public attention has been so long engaged, but they will have the goodness to recollect that that distinction was recognised by the Legislature itself in framing the amended English Poor Law, in proposing the Irish Poor Law Bill, during the discussions on which Parliament and the Government resisted every attempt made, from whatsoever quarter that attempt might proceed, to introduce the principle of out-door relief in Ireland; therefore I have with me the authority of the Legislature itself, in the Act of 1837. As the Committee are also aware, it is not an opinion solely of Irish proprietors, or with respect to Irish subjects. My excellent and late lamented friend Dr. Chalmers was not an Irish proprietor; Mr. Senior is not an Irish proprietor; Malthus was not an Irish proprietor; Archbishop Whateley is not an Irish proprietor; and even on the Continent, and referring to those who view the question of poor laws for both countries most dispassionately, I would name, as an authority to the Committee, the opinions pronounced upon this very subject by one of the most distinguished writers and philosophers in Europe, I mean Monsieur Cavour, the statesman, the head of affairs in the kingdom of Sardinia. He, if I remember right, in dealing with the question, states, in terms much stronger than

than any I have ever employed the danger of the introduction of out-door relief into Ireland. The Committee will therefore see that if I have erred in this matter, I have erred in very good company, and that unquestionably an objection to out-door relief is a totally distinct matter from the supposition of having uniformly resisted the question of a law for the relief of the poor in Ireland. But the Committee will permit me to say that even if any class of men, of whom I consider myself here to be made the representative, had been ever so heartily opposed to the whole question of poor law in this country, this evidence attributes to us conduct and intention unexampled, I think, in any statement or reasoning which I have ever yet met elsewhere. It is suggested that because what we considered a matter injurious to Ireland had been forced upon that country by a majority of English Members, therefore we were to resort to the indirect method of injuring England by driving away Irish paupers to inundate this country, as a kind of retribution for the votes which had been given against the interests of Ireland. One need not dwell upon this extravagant supposition, because it is so manifestly an over-refinement and an over-ingenuity, that it does not require to be refuted; but I may say that if there has been one who for a long time in the House of Commons utterly detested, abhorred, and abjured any contrast drawn between English and Irish Members, considering both as equally Members of Parliament, and to be estimated in that capacity only, the individual who has now the honour of addressing you, is that very person. I have now disposed of the early part of the matter, unless there is any question arising out of this first case which the Committee would wish to put to me.

2144. Will your Lordship proceed to the other part?—With your permission I will go further; it is here stated that Lord Monteagle, who stood foremost in opposing the application of the poor law to Ireland, is now equally foremost in demanding the non-removal of Irish poor from England, and is swayed by the same motives; and then when the Witness is more pressed, and is asked, "Can you point to any particular period, or the period you refer to, in which that demand was made by Lord Monteagle, as you have mentioned his name, or any Irish proprietor, in reference to this non-removal law?" he says, "I think I am not wrong in saying that Lord Monteagle headed a deputation to the late Noble Secretary for the Home Department, at the time when the Right honourable Chairman's Bill was brought under consideration, and was opposed by many Irish gentlemen, upon the ground of its not affecting that repeal of Irish removability." Now, Mr. Chairman and Gentlemen of the Committee, I have one very simple answer to give to that; I never opposed my Right honourable Friend's Bill, directly or indirectly; I never waited upon the Secretary of State at all; I never had any communication with Lord Palmerston upon the subject. My recollection was clear and distinct upon the matter; but still I was so astounded at finding this allegation made before you, which I knew to be a mistake, brought in favour of an argument which I felt to be an absurdity, that I went immediately to the Home Office, thinking that I must be in error, and that I might have gone there unconsciously, either sleeping or waking. I applied to Mr. Cowper, the Under Secretary, who informed me, "We have no record here of the interview, but it was an interview of Members of the House of Commons only," and I consequently could not have been there.

2145. Mr. *Maguire.*] And by letter, I think, through Lord Claude Hamilton?—Yes; but the fact was, that in the proceeding taken upon that Bill in the Lords, I expressed my wish in favour of an inquiry and investigation of the subject. This will show you what I stated upon the subject; the matter was discussed in the House of Lords on the 2d of March 1854. There was a discussion raised upon it with reference to an injury. I then stated that I thought that the course proposed by the Government, which was for an inquiry, conceding a committee, of which this Committee is the continuance, was a rational one; that so far from being one of the supposed antagonists of some consideration to be given to this question, I was disposed to go into an inquiry to consider what measures were necessary, and therefore Mr. Scrope's statement is altogether a mistake, which will be proved to you still more conclusively by other facts. It so happens that I have been long connected with this subject in Parliament. I may be wrong in dates, but I think it was about the year 1821 (a period, I believe, anterior to the time when any one of the gentlemen whom I have the honour of addressing was a Member of the House of Commons), when Mr. Chetwynd, afterwards Sir George Chetwynd, moved for a Committee upon the passing

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of vagrants; it was an analogous subject, precisely bearing upon the same matter; of that Committee I was a member, and I was also a member, if I remember rightly, of the late Lord Derby's Committee, at a later time; and I always took the same line with respect to all these questions; of that I can give you the strongest proof by referring you to a Bill brought in by a Right honourable Friend of mine no longer in Parliament, Mr. Kennedy. At that time the law in Scotland allowed an Irishman to acquire a settlement upon, I think, three years' residence. This led to a very great invasion, as it was called, of Glasgow, I believe, by the Irish, who got settlements. It was proposed by Mr. Kennedy's Bill to alter this provision of the law from three years to five; I, who am now described as adverse to all reconsideration of the question, gave to that proposition of Mr. Kennedy my strongest support, and voted for the fixing of the period at five years, in preference to the period which then stood fixed by law. I have since acted on the same principle: and now I shall relieve you from my presence, first asking your indulgence while I explain the principle upon which I have uniformly acted. My principle is this: I hold that it is utterly impossible between two countries circumstanced like Great Britain and Ireland, that it can enter into the mind of man to interfere with, and to prevent, the free circulation of labour from the one country to the other; that neither our constitution, the habits of the people, nor the principles upon which Parliament acts, would ever tolerate any restraint of labour in passing from a cheap country to a country where labour is dearer; that this is a result exhibited uniformly in every country where labour is dear in all parts of the world, and must ever be so. The Gallego will go to Lisbon; the labourer of the uplands in Italy will go into the Maramma; the Irishman or the Scotchman will go to England, where he can get better wages; and the English agricultural labourer, if his wages are low, will seek employment in the manufacturing districts, if the wages are higher there. But whilst I maintain absolutely that Parliament cannot and ought not to throw difficulties in the way of the free transmission of labour from one part of the empire to another, it becomes quite a different thing whether Parliament is to increase the inducement of higher wages, and thus afford artificial encouragement to aid that which when left in a natural state it cannot restrain. I felt, therefore, that any undue facility of acquiring settlements in this country by those who came to tender their cheap labour, was giving an artificial stimulus and encouragement, and that it was a matter which Parliament was wise in considering, and if it could do so justly and humanely in checking, by amending the law in order to prevent any artificial stimulus. Such has been the principle upon which I have uniformly gone; I should now work out exactly the same principle as a political economist and as a Member of Parliament. I believe that there is very little more which I have to tell you upon this subject. The Member for Stroud said, that he did not mean to put in an invidious light this supposed endeavour of the Irish to punish the English people for the misfeasance of the English Members who had voted for a particular measure, and that this was to be done by sending over paupers to inundate them. He goes on to say, "the opinion that Ireland was not fitted for a poor law might have led them to continue their opposition to the extent of desiring that England should be responsible for the maintenance of the Irish poor, as far as she could be made so." I should be very much ashamed of myself, as an individual, if I could believe in the existence of such motives on the part of my countrymen; I have never heard such motives asserted, and I have never seen an act on the part of any Board of Guardians, or of any individual of common sense, which could justify such an imputation.

2146. Lord *Naas.*] Pursuing the same subject, will your Lordship kindly inform the Committee whether you think, from your knowledge of Ireland, there is any dislike on the part of the great body of the guardians of the poor, the landlords, or any other class in Ireland, to the poor law as established at present?—No, I think not; on the contrary, the general impression is, that it is now working exceedingly well; we have brought it back to the principle of the Act introduced and passed by Lord Melbourne's Government; we have brought it back to the Act of 1837, and we may say in general terms that we have no out-door relief. I think, however, that in one case, in which I do not agree with my countrymen, some are disposed to retrace our steps, and abandon a principle applied very much at our own suggestion a few years ago, namely, limiting the size of the unions, and consequently increasing the number of union workhouses. That makes the establishment charges more burthensome as compared

pared with the paupers relieved than they were in circumstances of greater pressure. There is some desire on the part of some of our rural guardians to try and hark back, to enlarge their unions, to consolidate the workhouses, and thus to diminish the expense; I entirely differ from them.

2147. Sir *J. Trollope.*] Has not that state of things arisen from the altered condition of Ireland, and the altered state of its population?—Most assuredly, and that altered condition must be taken into account by any one who wishes to consider this question of the removal of the Irish poor. Depend upon it, you are in a condition now, in which the cry that was naturally raised but a few years ago, as to the influx of the Irish poor, is likely to be replaced by a cry of an opposite kind, a complaint that at harvest time you have not the assistance of the Irish poor or the Irish labourer to get in your harvest. Our rate of wages is rising every day; the condition of our people is rising every day. I believe we shall find soon that this economical proposition will be solved in Ireland, and we shall find that, with higher wages, we shall obtain cheaper work. Do not imagine that the people of Ireland come here for your poor-law relief; they come here for wages. They came here it is true for poor-law relief at the time of the famine; but you are mistaken if you think that you can with safety, as politicians, or with wisdom, as philosophical statesmen, reason the exceptional case of the Irish famine, and apply it to ordinary times. Above all when the natural state of things is bringing you to a case the very opposite, when wages, in place of becoming more depressed, are becoming higher, when the condition of the people is becoming better, depend upon it the question of the immigration of the Irish into this country is every day likely to assume a different character.

2148. Lord *Naas.*] Then you think that it would be a most imprudent on the part of England to throw any obstacle in the way of the coming course of the Irish workmen as hitherto?—I think that it would be unwise to adopt any direct measure to produce this effect. It is far from my opinion that the removal of the Irish poor from England invariably checks their immigration. On the contrary, it sometimes has a very opposite effect. I speak with some degree of confidence of this, because these are the results which I came to on the earlier committees, and upon the evidence which we took at different times. I am as persuaded as I am of my existence, that the effect of the law of removal at the present time is in very many instances to promote the immigration of the Irish into this country in place of preventing it; and I will tell you why: the real temptation to the Irish labourer is the high price of labour here as compared with the price of labour in Ireland. It is, however, always a risk when a man comes over in quest of labour, but if you insure to every one who is disposed to speculate in the labour market in quest of higher wages a perfect certainty that by an act depending upon himself he shall be sent back at the public expense, you diminish the risks which stand in the way of his approaching the shores of England. He is certain of being sent back at the public expense, if he chooses; and without wishing to say anything derogatory of the general character of the Irish labourers, there are amongst them, as there are in all classes, men who are very well disposed to profit by getting that done at the public expense which they would otherwise have to do at their own expense; and if you were enabled to follow up the fraudulent removals, you might find cases of removal in which perhaps a man has transmitted the proceeds of his labour first, and then has got sent back at the public expense, I think you would find facts which would support my view of the case.

2149. Sir *J. Trollope.*] But are not those facts very rare within your own knowledge?—Within my own knowledge, of course they are, because I have never been concerned in the administration of the English poor laws, except in the parish of St. George, Hanover-square, or of Marylebone, where it is not likely to be the case; but you will find evidence upon the subject in the Minutes of former committees. If the Committee will take it, I will give them this as an illustration: At the present moment we are approaching the time of the opening of the Crystal Palace Exhibition of France; that will be an attraction which will take over a certain portion of the population from hence. I only just ask you if there was a law made in France by which all the visitors of the Crystal Palace were sure of being returned back to this country at the expense of the French Government, whether you would not have more visitors to the Crystal Palace than otherwise? Whether the temptation is the Crystal Palace at Paris

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or higher wages in England, the equation will be the same; put it in abstract terms of A. and B. and work out your unknown quantity; the temptation is the motive, and whatever that temptation may be, it will be increased if there is afforded in either case an increased facility of return. I really believe that in that way it works to the disadvantage of England; but on the other side there are cases of cruel oppression and hardship, which though exceptional, and exaggerated in number, are very hard and severe; for instance, after a very long residence here families, perhaps, born in this country are transmitted to Ireland, where they have never been, and to a part of Ireland with which they have no connexion; they are, in such cases, dealt with in a manner wholly contrasted to the removals in England; a removal in England is to a definite place; a removal to Ireland is to a place which is undefined.

2150. Lord *Naas.*] Then your Lordship is of opinion that the fears which have been expressed by so many witnesses, that if the power of removal from England was abolished, that abolition would lead to a very large immigration of Irish paupers, are groundless?—I believe they are groundless; but I believe, at the same time, that if there is a lavish extension or a careless administration in England of out-door relief to the Irish poor, it may have some tendency to bring you over more poor; but I say this, if you rely upon your workhouse test, and if you apply the workhouse test to the Irish pauper, depend upon it the Irish pauper will not be at all disposed to acquiesce in in-door relief.

Lunæ. 30° *die Aprilis,* 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. De Vere.
Mr. John Trollope.	Lord Naas.
Mr. Ingham.	Mr. Alexander Hastie.
Mr. Locke King.	Mr. Gregan.
Sir Robert Ferguson.	Mr. Cheetham.
Mr. Maguire.	Mr. Smollett.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

James Taylor Ingham, Esq., called in; and Examined.

J. T. Ingham, Esq.

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2151. *Chairman.*] I BELIEVE you are a Member of the Bar, and a Magistrate of one of the metropolitan police offices?—I am.

2152. At which office?—At the Thames Police Court.

2153. How long have you held that office of magistrate?—A little more than six years.

2154. Is yours a district in which a good many of the Irish are found?—Generally a great many Irish; the coalwhippers, the lumpers, and the dock labourers all reside in that district.

2155. Have you had occasion to make many orders for the removal of the Irish?—Certainly, during the period of six years; but of late I have not made many orders: there have not been so many cases of removal.

2156. Will you describe, for the information of the Committee, what is your practice with regard to making orders of this description?—The Irish pauper is brought to the police court by the assistant overseer of the removing parish, and his examination, which is in the form prescribed by Act of Parliament, is read over to him; he is then asked whether the statements contained in that examination are correct; he usually answers "yes;" upon that the magistrate asks him in general terms, "Have you any objection to be sent back to your own country, or do you wish to be sent back?" Upon that the poor man, generally speaking, states very fully his own case, and points out what he considers to be the hardship of sending him back; that is, assuming for a moment that he has an objection to be sent back. It sometimes happens that the man says "I am anxious to go;" in such case there is no further inquiry; but ordinarily speaking he objects to be

be sent back, and states his objections at full length: if those objections appear to have any weight, the magistrate says to the assistant overseer, "What do you say to the circumstances mentioned?" The assistant overseer is generally able to explain them, and there is no contest as to the facts between the pauper and the assistant overseer; but the only question is, whether upon the admitted facts the man ought to be removed; upon that point the magistrate exercises his discretion.

2157. By the Act for the removal of the Irish and Scotch, I believe the magistrate has power to exercise a discretion, which he has not in the case of an English pauper?—Undoubtedly; and in that respect I must say that the condition of an Irish poor man is much more favourably dealt with by the law than that of an Englishman. If the Committee will allow me, I can point out the difference between the two cases. In the case of an Irishman, it frequently turns out that he has resided, say for a period of five years or more, in one parish, but he has gone out of that parish for a month or two into the adjoining parish, and then come back again. Of course, in that case, he is removable, and it is entirely for the discretion of the magistrate to say whether he ought, under all the circumstances, to be removed or not. Put the case of an Englishman: I am putting an extreme case for the purpose of illustration. It is proposed to remove a man from London to Cornwall, say upon the settlement of his great grandfather, that settlement having been recognised by occasional relief during a period of 100 years; the examination is read over; the pauper admits the truth as far as he knows of the facts; you ask him whether he has any objection to being sent to Cornwall. He says, "Why, I know nobody in Cornwall; I never was there in my life; I was born in a parish in London; my father was born there, and my grandfather was born there; it would be the greatest cruelty to send me to Cornwall." The magistrate says, "That is very true; it would be great cruelty, but I have no alternative; I have no discretionary power; provided the facts are proved that you have a settlement there, and the parish officers insist upon sending you there, I must send you." I need hardly say that so strong a case as the one which I put does not arise; but very strong cases do arise, in which the magistrate may lament very much that he has not the same discretionary power with reference to an English pauper which he is in the habit of using with respect to an Irish pauper, and which the law sanctions in the latter case. I submit, for the consideration of the Committee, that this is a great evil, which ought to be redressed.

2158. I believe one of the metropolitan police magistrates is competent to do anything which two magistrates can do elsewhere?—Yes, by the Police Act.

2159. Any one police magistrate therefore may make one of these orders?—Yes.

2160. And that which you have now described is your own practice?—Decidedly.

2161. Have you formed an opinion as to how far it would be expedient to do away altogether with the power of removal of Irish paupers from this country?—I think if you took away the power of removal, the consequences to this country would be very serious.

2162. Will you have the goodness to point out the objections which occur to you to such a course?—First of all, the burthen of maintaining the poor Irish who are now in England would at once become very much greater. My reason for stating so is this: many persons come to ask the advice of the police magistrates, poor Irish people among others; they say, "We have been to the parish officer to ask for relief; he will not give it." "Then you must go before the board of guardians." "Oh, yes, we have been before the board of guardians." "Why will they not give relief?" "Why, the board say that they will send us to Ireland." I say, "Undoubtedly, if you were born in Ireland, and have not resided for five years in any one parish in this country, you may be sent back to Ireland; that is to say, your case may be brought before a magistrate and inquired into." Those poor persons, generally speaking, say, "Oh, if that is so, we will go without relief." They go away, intimating an unwillingness to accept of relief upon those terms; that is to say, they would rather remain in this country, and take their chance of getting that sort of casual subsistence which a number of the Irish in this country do get; they would prefer that to the alternative of being sent back to their own country. That is the first reason. The second is this: I feel quite convinced that we should have a very large influx of Irish poor

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people. I do not mean that those people would come over for the express purpose of subsisting upon our charitable funds here, but they would come over to take their chance. I can illustrate that by an incident which occurred before me not very long ago. A poor woman was brought before me, I think about the month of December or January; she had four children; the eldest might be ten or twelve years of age; she had been in England four or five months; I asked her the usual question, and she said, "Oh, pray do not send me back again to Ireland; I am getting on extremely well in this country." I said, "How do you get on, what caused you to come here?" and so forth; she said, "My husband died; he was a small farmer; and the neighbours then recommended me to come to England; they said that I should be able to get on a great deal better in England; that I should be able to maintain my children during the summer time, and that I could get a little charity or be taken into the workhouse during the winter." Then I asked her which way she had come and how much she had paid for coming; she told me that she had come over in a sailing vessel to one of the ports in the Bristol Channel, and had then begged her way up from Wales, in the hope that after coming to London she should find something to do, and should be able to maintain herself in the summer and autumn months. As soon as the winter set in she became chargeable to the parish, and she seemed astonished that she could not be allowed to remain in the workhouse during the winter. Now I think there would be a very large influx of that class of people if it were not perfectly well known among the poor in Ireland that all these efforts might be made fruitless by their being sent back again to their own country. That is my second reason. I have still another. In what I now say, I am not speaking exactly of the present year, for there is much less pressure this year in consequence of the great agricultural prosperity which exists in Ireland; but I am speaking of two or three years past. The Irish generally come, I find, to some port of the Bristol Channel, because they pay only 1*s.* or 1*s.* 6*d.* for bringing over, perhaps, an entire family that way; if they come by the steam-boats, unless there is some competition in the trade, they must pay 10*s.*; of course no one who is actually a pauper can do that; they beg their way up to London, and when they get here, they perhaps wander about the streets, and at night they go to the door of some workhouse; they remain lying or sitting about the door, conducting themselves with perfect propriety, but at length the parish officer or the man in authority at the workhouse door becomes alarmed at these people stopping out there through the night, and he lets them in; there they will remain for a few days or a week, according to the practice of the parish, and then the parish officer says, "Well, you must turn out of this; if you do not, you will be sent over to Ireland." Upon that, the man and his family leave the workhouse, and they are perhaps never seen there again. I have been told by a parish officer, upon whose statement I place entire reliance, that that really was very frequently the case. I think that the power of removal makes the Irish who come over to this country bestir themselves, and look out for work, and exert themselves in a manner that they certainly would not do if that power did not exist. For these reasons, I think that the power of removal must be retained.

2163. Do you know what the opinion of the Irish poor is as to the relief which is given to a person in destitution in this country, as compared with that which they have in their own country?—I do not know anything positive, but I have a very strong opinion that the relief given in this country must be upon a much more liberal scale than it is in Ireland. In fact, the whole mode of life is so entirely different, the best fed Irishman is, I should say, so much less fed than an Englishman of the same class, that there must be the same relative disproportion in the dietaries of those of the poor who are relieved by public authority.

2164. Do you look upon that consideration as an important element in this question, namely, the condition of a destitute person on one side of the water as compared with what it would be on the other?—Undoubtedly. If you had the same scale of relief in Ireland which you have in England, and if the rate of wages in Ireland permanently rose to the English level, then I should say that the power of removal could be safely dispensed with.

2165. With regard to the rate of wages, have you any knowledge upon that subject with which you could favour the Committee?—I have not any personal knowledge;

knowledge; but as I have myself been for 20 years well acquainted with Ireland, and know a great many Irish people, and have many Irish connexions, I have heard a great deal upon the subject; I know that the average rate of wages (I am speaking of an employment which is somewhat permanent, not mere casual employment for a day or a couple of days) is about 10*d.* a day.

2166. Mr. *Cheetham.*] Agricultural?—Yes. I know nothing but of agricultural labourers. I can mention what I think is the maximum price for steady employment in the south of Ireland; I know a gentleman there, a man of great ability and energy, who farms upon a large scale, and employs a great many labourers, whom he keeps constantly at work; he told me that he paid those men 1*s.* a day; and that it was an understood rule, that if any man offended him, or was caught not doing his duty a second time, he would be instantly dismissed, and that that made his labourers extremely efficient, because they knew very well that it would be easy for the gentleman to supply their place if they were dismissed, from the best hands in the whole country. I think that shows what the maximum remuneration for labour must be in that part of Ireland.

2167. Mr. *Smollett.*] In what year was that?—The gentleman informed me of it in the month of October last. I was travelling with him, and we had a good deal of conversation as to how his farm was going on, and that was what he told me. What I stated about 10*d.* a day was told me the other day by a friend of mine, who has been spending a few weeks at my house, and who has a very considerable knowledge of landed property.

2168. Mr. *Ingham.*] Is he resident in Ireland?—Yes; he has a good estate of his own, and is agent for one or two properties, I believe, and resident there.

2169. *Chairman.*] Then you think that the present difference between the maximum rate of wages in Ireland and the rate which can be fairly obtained in England, is an important matter for our consideration in this question?—Just put the contrast: if a man comes to London and gets employment in one of the docks here, he is put on at eight o'clock in the morning and works till four, he receives for that 2*s.* 6*d.*, and if he is employed for a less period he is paid at the rate of 4*d.* an hour; now I should imagine that those must appear almost fabulous prices to an Irish labourer.

2170. And if he becomes destitute by such a winter as we have had lately, there is the resource of the English Poor-law?—Yes.

2171. And if he were not removable, there would be that resource without any such test as that of removal, of course?—Undoubtedly.

2172. That being so, do you believe that the two considerations, that when he is in work his wages are so much higher in the one case than in the other, and that when he is out of work his resource in the one country is so much superior to what it would be in the other, form, when combined, a very important element in this question?—Undoubtedly.

2173. Lord *Naas.*] You say that the rate of wages is considerably higher in England than it is in Ireland; there is no doubt about that; are you not aware that the price of provisions in Ireland and the general cost of living is much less than in England?—I should think so.

2174. From your knowledge of Ireland, do you think that the agricultural labourer in Ireland, who is earning from 10*d.* to 1*s.* a day, is generally in a distressed state?—No; according to his own notions, not so.

2175. Do you think that 1*s.* a day in Ireland to an agricultural labourer is enough to give him sufficient food to enable him to do a good day's work?—That food will consist entirely of potatoes, and during some part of the year of Indian corn. I think, according to the notions of an Irishman, that would be sufficient; and in point of fact, it is sufficient to enable him to do—I will not say the same day's work as that man will do in England when he has been fed upon the English scale—but what you might call a fair day's work.

2176. *Chairman.*] As you have already expressed the opinion, that it would not be expedient to do away with the power of removal, do you think the present law capable of amendment in any points?—I certainly think that there is a very great hardship upon the poor man in one respect; suppose he has lived five years in one parish, a change takes place which requires him to go into another parish; he gets work in that other parish, and cannot get it in the one where he has been living; he remains there for a period short of five years, he then becomes destitute, and applies for relief; I think it is

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extremely hard that that man should be sent away, assuming that he has lived all that time as an industrious man; and I would remedy that, to some extent at least, by extending the area of residence.

2177. What is your view in that respect?—I think the union would be the best district, upon the whole; at one time it occurred to me that it would be as well to take the area, for example, of a borough or a city, or the metropolitan police district, and to make the area as large as possible; but I have at length come to the conclusion that it would be better to select the union as the district, because you would then have a machinery at all times at hand to enable you to make an inquiry into the facts. It may become extremely difficult to ascertain the facts; an Irishman does not take a house as an Englishman would do, but probably lives in a lodging, and he lives with Patrick Sweeney, or some other person, and he says he has been there five years; you go to the street, and to the number; you cannot find anything about Patrick Sweeney; therefore it would be extremely difficult to investigate the facts if you took too large an area. If you take the union, that is perhaps not too large an area, and you have all the machinery ready prepared for you to make a proper investigation of the facts.

2178. Have you not this advantage also; by the constitution of the union the officers of the different parishes composing it are placed in a kind of communication with each other, and in that way may communicate to each other any knowledge which they have upon the subject?—No doubt.

2179. That would not be so, if you got beyond the bounds of the union, would it?—It would not.

2180. With regard to the period of time, what do you say about that; five years, as you know, is the period at present required by law to give the privilege of irremovability?—I should say that that is a very fair period; I should, I confess, be sorry to see it abridged; I think that a man, before he is cast upon any parish as a burden, ought to have made himself sufficiently useful, either in that place, or, at all events, to England at large. The usefulness which the country has got out of him, if I may so say, ought to bear some proportion to the burden which he may become in his later years. I think, therefore, that you could scarcely abridge the period of five years; but, possibly, if you did abridge that period, it might be desirable to have a test as to the previous usefulness of the man during the period to be selected. For example, if you found that the man had been living here as a mendicant for any portion of his time, it would be a hard thing to say that any parish should be chargeable in respect of service which had never existed; the justice of the matter seems to be that, if his labour has furnished no fair equivalent for the relief he may require, he should be sent back to the place of his birth.

2181. Do any means occur to you by which you could in any way test the fact of a residence having been industrial for a certain time?—You might revive the old hiring and services without its technicalities. You might enact that, if a man had been employed continuously for any one year during the period of five or four years, or of three years' residence (whatever period might be selected), then he should become irremovable. However, I think that, upon the whole, it is better to keep clear of that, because there are very few Irishmen who get constant employment immediately. The way in which, in London, they get into employment, is this: they become, first, casual labourers at the docks; their valuable qualities are there discovered, and by degrees they become permanent labourers; but, probably, a very valuable man might be two or three years in this country before his qualities were discovered. Therefore, if you took a shorter period of time, and an industrial test besides, you might be removing a very valuable man.

2182. I need not ask whether you have always given the Irishman the benefit of this statute, as it is called, whether you have considered him as being within it; we have had doubts expressed here upon that point?—Those doubts appear to me to be very extravagant.

2183. With regard, for instance, to his not being removable in case of temporary sickness, the same exemption which the Englishman has under that statute you give to an Irishman?—Certainly; I think I ought to state to this Committee, in justice to the Boards of Guardians at the east end of London, that they appear to me to be at all times ready to listen to any suggestion which may be made with respect to the Irish; they are disposed to deal with them very leniently

leniently; I have never found it necessary to refuse making an order, except in one or two instances. The usual course is to say to the assistant overseer, "Will you be so kind as to state what has occurred before me here to the Board of Guardians, and to say that I entertain a doubt whether it would be right to remove this person?" That suggestion is, generally speaking, attended to with the greatest cheerfulness.

2184. The question there being, not whether it would be legal, but whether it would be fair and just?—Whether it would be fair; whether a person who is clearly removable by law ought to be removed, or can be removed without cruelty.

2185. On that kind of appeal being made, and transmitted by you in that manner to Boards of Guardians, have you frequently known it acceded to?—Almost always.

2186. Does any further suggestion occur to you as to the administration of the law with regard to the mode of proceeding to which you have paid such great attention; you are aware that the statute gives in the schedule a certain form for the examination of the pauper?—Yes; that, in point of fact, involves only four questions, namely, the question whether the man was born in Ireland, the question how long he has been in this country, his chargeability to the parish, and his not having gained a settlement in England; those are the four points which are embraced by the examination.

2187. How does it appear to you that an improvement could be made in that respect?—I should abolish that altogether, and I should adopt something like the form which has been adopted by the Legislature with respect to militiamen and deserters; I should require a certain number of defined questions to be asked; the nature of the questions would suggest itself, I am sure, to every one here.

2188. Just give us an illustration?—First of all, "Where were you born?" the answer of course would be "In Ireland." "How long have you been in this country?" "Where have you lived since you came to this country?" "What have you been doing?" "Has your employment been constant or casual?" "Have you resided in one parish or place, or have you gone about from place to place?" "Have you got children who are residing in this country?" "Where are they residing?" so as to ascertain whether you are removing a man from his natural connexions or not. "What are your chances of getting employment in this country if you remain here?" "Have you anything more to say?" "Have you any objection to state why you should not be removed?" A great variety of questions of that kind might be put down upon a printed form, and the Act of Parliament might require that each of those questions should be put, and that the answer of the poor man should be stated in writing; and then it would be at once perceived from the examination, a copy of which should always be kept in the magistrate's court, upon what grounds the discretion of the magistrate had been exercised; and more than that, it would compel the magistrate to exercise his discretion upon the right grounds. I am afraid that in many parts of the country magistrates may think that they have performed their duty when these four things which are required by the existing statutable form of examination have been proved. Perhaps they may put a further question to the assistant overseer: "Has this man resided five years in your parish?" I only judge from probability; I am afraid that that is too much the kind of examination which takes place before the removal of an Irish pauper. Now, magistrates may really be pardoned for that; first of all, because the Legislature has prescribed a specific form; and, secondly, because the removal of the English poor has been taken so much as a matter of course, that gentlemen do not reflect upon the cruelty of passing a person from his connexions. Their ideas of an Irishman have been formed upon their ideas of an Englishman; they would remove a man to Cornwall, or any distant county, without the slightest discussion. They look upon the removal of an Englishman as a matter of course, when his settlement has been proved to be elsewhere.

2189. You mean that, as soon as the legal removability has been proved, they do not trouble themselves with the question of right or equity in the case of an Englishman?—Certainly not.

2190. The law is imperative, is it not?—Yes. If the removability is proved, and the parish officer insists upon the removal, you must remove the man. I think if you compelled the magistrate to elicit all those facts which I have mentioned, he himself would come to the right conclusion in nine cases out of ten; he would

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not remove a man where it would be clear that it would be a great cruelty and injustice to do so.

2191. The specific questions which you have mentioned would have the effect of eliciting a great amount of information, and the magistrate would still be at liberty to put any others?—Yes; and I would certainly have the general question put to the pauper, "Have you any objection to be removed to your own country?" That alone, in a great many instances, would elicit all the favourable points.

2192. I believe you have had an opportunity of seeing the evidence given before this Committee last Session. Do you remember certain suggestions made by Mr. Power, the chief Commissioner of Poor Laws in Ireland, for the purpose of serving as a protection against an undue burthen being thrown on this country, in the case of poor Irish coming over? Do you remember, among the rest, a suggestion about an alteration in the Vagrancy Law?—Yes; as a substitute for removal.

2193. Then there is another suggestion, as to rendering punishable any combination to send persons in a state of destitution over to this country?—Yes.

2194. What do you think of those suggestions?—I think as a substitute for the power of removal the remedies suggested would be perfectly futile. I think that all attempts to punish persons would fail for want of evidence, and a moment's reflection would, I think, convince any candid man that that must be the case. Supposing the suggestion to be that a man has been sent from Ireland by gentlemen acting from the purest motives, from a desire to benefit the pauper himself; the pauper on his arrival here, when he gets relieved, will state the whole facts in the most candid manner. He says, for example, "I was going on very badly for a long time, and my neighbours were kind enough to give me 10*s.* to enable me to come over to this country; they said that I should get on better in England." But suppose that you wanted to institute a prosecution upon that evidence, the pauper would immediately turn round upon you, he would forget everything, or he would give it a different colour; in truth he would so state the case that it would be impossible to obtain a conviction. I am quite sure that that would be the case, because I find that constantly statements are made by the parish officers, that poor people have stated matters to them in the first instance before they knew the importance of the facts, which they afterwards denied, or endeavour to explain away. Then, again, a man comes to London, and the expense of relieving him and his family may perhaps be altogether about 1*l.* He states a very clear case, having been sent over by some charitable persons in Ireland; it would cost probably 20*l.* to bring that case home, if a prosecution were to be instituted. Perhaps I am stating at much too low a sum, the money which it would cost to institute and carry on a prosecution. The parish officers would say, "It is not worth our while;" I feel convinced that an enactment, making such a combination penal, would be quite futile.

2195. Therefore those substitutes could not be practically relied on, in your judgment?—Certainly not. Another thing suggested by Mr. Power, if I recollect rightly, was the punishment of persons with one calendar month's hard labour in a prison, if it were shown that they had come from Ireland to England to obtain relief in this country. It seems to me that that again would be quite futile, because no magistrate in this country would like to convict a man who was destitute. If persons are brought before us who are proved to be mendicants, that is to say, to get their living by begging, we deal with them with the utmost severity; but if a man is brought before us in a state of destitution, and his only offence is that he has asked for relief, we never for a moment think of punishing him, and if we did so, public opinion in this country would necessarily prevent the repetition of such an act.

2196. You have spoken of the difference between the Irish system of Poor-law and the English system of Poor-law, as to the treatment of the pauper; do you think, from what you know of public opinion in this country, that it would allow of such an alteration of our system, as to bring it to one system of in-door relief, and to the dietary used in the Irish workhouses?—It is certainly quite impossible.

2197. Is there any other suggestion with which you can favour the Committee?—There is only one suggestion; I do not know whether it comes within the competency of this Committee to entertain it. I should suggest that it would

would be desirable to treat both the Irishman and the Englishman as much as possible in the same way; I would therefore propose that all heads of settlement should be done away with (I am speaking now of the English pauper), except birth, parentage, and marriage; that is to say, substantially a birth settlement, because parentage and marriage are only heads of settlement for the purpose of preventing the separation of husband and wife, parent and child. I would retain the five years Act, but I would give to the magistrates the same discretionary power as to the removal of English paupers which they now have with respect to the removal of Irish paupers; you would then have the one and the other dealt with precisely in the same manner, and we should no longer hear of the dreadful hardship and cruelty of sending from London to Cornwall, upon some ancestral settlement, a man who had never spent a single day in his life out of London, and who had probably been 40 or 50 years here living as an industrious member of society. That appears to me to be a cruelty towards the English poor which ought at once to be got rid of.

2198. I think you expressed the opinion, before some of the Honourable Members of the Committee came in, that the condition of the English pauper in that respect was harder than that of the Irish pauper?—It seems to me that the mode of dealing with the Englishman is exceedingly cruel. The magistrate has no discretionary power as to his removal; he has a discretionary power as to the removal of the Irishman, and the only thing which appears to me to be now required is, to take care by some legislative enactment that the magistrate shall have the proper facts brought before him, so as to compel him to exercise his discretion upon them; at present, no facts are brought before him at all, or very unimportant facts, so far as they relate to justice to the pauper himself.

2199. And you would have all the facts which were elicited in answer to those questions which you have suggested, or any others that might be put, reduced into writing, in order that it might be seen what was the evidence which the magistrate had had before him; there would be that check?—Certainly; the order would recite that the magistrate having duly considered the matters set forth in the various questions required by the Act, and the answers thereto set down in the annexed examination, adjudged to make the order.

2200. Is there any further suggestion which you have to make?—No.

2201. Lord *Naas*.] You say, that you think that the law as between Ireland and England ought to be assimilated?—So far as the proceedings in this country are regarded, I would deal with the two paupers exactly in the same way.

2202. Supposing the power of settlement and the power of removal to be abolished in England, do you think that there should be a difference made in the case of an Irish pauper?—I think it is absolutely necessary to retain the power of sending him back to his own country under the present circumstances.

2203. Therefore you do not think that the Irish pauper ought to be treated in the same way as the English?—I do think that he ought to be treated in the same way, and I should propose to treat both of them in the manner I have described; but if the Legislature should think proper to deal with the English pauper in a different manner, I should still strongly contend in favour of removal to Ireland; I do not think it can be dispensed with in the existing state of society in Ireland.

2204. Even though the power of removal should be done away with in England, you think it necessary to retain it as regards Ireland?—Certainly.

2205. You spoke of extending the area of irremovability from the parish to the union?—Yes.

2206. Do you not think, that, as there would be only one distinction even then known, it would be fair, in the case of the Irish pauper, to extend that area to the whole of England?—No; I think there would be very great difficulty in doing that, because it would be then impossible to ascertain the facts. An Irishman comes before you; he says, "I resided five years at Liverpool; I resided at such a number in such a street." Most probably, he would not be able to tell you that, even assuming him to be honest; because there are instances of men who do not know the number of the house that they are living in, though they have been there for years: he tells you the name of the owner; perhaps that is some lodginghouse-keeper: then you go to such a street and such a number; you inquire for the lodginghouse-keeper; you cannot ascertain anything at all about the pauper, or whether any such

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man has ever lived there. It would be, therefore, impossible to ascertain the facts.

2207. Then your objection to extending the area to the whole of England merely arises from there being no machinery in existence to check the statement of the pauper himself?—There is no machinery in existence, or possible, according to my view.

2208. Supposing the man obtained a certificate of residence, which would be undeniably authentic, do you not think that that ought to prevent him from being removed?—That, I think, deserves consideration. If you could, by some competent authority, ascertain that a pauper had resided for five years in any one part of England; I do not mean to say as a vagrant and a wanderer, but in any one place, I certainly would at once say that that man should not be sent back to Ireland.

2209. You think that would be just?—I think it would. The principle appears to me to be this, that if a man has lived in this country as a useful labourer for a period of five years, no matter in what part of the country, that man may very fairly be cast upon this country, if he shall become a burthen to society.

2210. You would recommend that course, if sufficient guards could be taken against imposition?—I have not considered the question. It is the first time that that question has been presented to me. Some objection might occur to me, if I considered it more fully; but the general principle I admit.

2211. Mr. *Ingham.*] You are probably aware that in France, every person who is a workman is obliged to carry about him a book, which is called a "Livret," in which the time of his entering and quitting every service, however brief its duration, is entered?—I knew that the man carried about a book, but I did not exactly know what the purport of it was.

2212. It is quite possible that some machinery of that sort may be discovered, by which it may be traced whether a man has been supporting himself as a labourer during the period of his residence in England?—I do not say that that is impossible, but I think it would be difficult; because the Irish, generally speaking, are not employed steadily by one constant employer; there are no doubt a great many very valuable men in London who are constantly employed, but then those men get on and never become objects of the Poor-law.

2213. I think you have already said, that almost in every case where a person has become permanently useful as a labourer, that labour has been preceded by two or three years of casual or occasional employment?—I think so; I only judge from what appears before me; I know that the docks have two classes of labourers; other large establishments have in like manner two classes of labourers, the permanent labourers and the labourers who are not permanent; and I believe that a great many of the Irish people get employment in the first instance as casual labourers; then they become very valuable men, and persons are glad to have them.

2214. During the period when they are only employed upon such casual labour, in case there should be, as we have recently had, a frost preventing all that description of work, and they should come as applicants for relief, should you, or should you not, in your discretion, order them to be removed?—If I saw that a man was a really industrious man, and that he had been any time in the country, I should fight very much against his removal; I should be very sorry to remove him.

2215. In the series of questions which you suggested, and upon the answers to which you stated that the removal might be made conditional, I think one question was as to a residence for five years?—Yes.

2216. And another, as to how the pauper had been employed during his period of residence short of five years?—Yes.

2217. If it came out that he had been residing for a shorter period in England, but had been industriously occupied for that time, you would not remove him for fear you might be removing a useful labourer?—I should be very sorry to do so.

2218. If that is your feeling and your practice, and that of other gentlemen here, what objection would there be to making it an imperative practice upon everybody, and to having that question answered one way or the other, and letting that be the guide to the exercise of a discretion, so as not to allow a person to be removed within, say a period of 18 months, or any shorter period; if

if during the whole of that time the man had been engaging himself, whenever the state of the weather and the season of labour had enabled him to do so?—I think 18 months a very short period, because the man might then become chargeable, and be chargeable for the rest of his life.

2219. But you have acted upon that principle. Supposing a man in the late frost had come before you, who had had successive jobs during the previous 18 months, you say you should not have removed him?—I did not say that; but I should have been exceedingly sorry to do so; and should have suggested to the Board of Guardians whether they might not wait a little time. Of course, a great deal would depend upon whether the man was only stopped by the circumstance of the frost; if he was only stopped by that, I should say to the Board of Guardians, "Pray do not press this upon me; if you wait a month, he will get into employment, and you will hear no more of him." I have no doubt it is really the practice of Boards of Guardians to wait in such instances.

2220. That is the practice in the metropolitan police courts, no doubt; that being the practice, do you think there would be any harm in introducing it as a stipulation, so as to enforce something like the exercise of a discretion in such a case?—I would rather leave the discretionary power unfettered; but I would compel the magistrate to have all the facts brought before him, upon which his discretion ought to be exercised.

2221. Would you make the exercise of discretion by the magistrate to whom the application was first made, conclusive under such circumstances as I have suggested, of 18 months of industrious residence, and a succession of jobs?—Certainly. If the case had ever been once submitted to a proper tribunal, two magistrates in the country or one magistrate in a police court, I would make the decision of that tribunal final upon the same facts; but if a person became chargeable again, of course a new state of facts would arise.

2222. Mr. *Maguire*.] Were you in favour of the abolition of the law of removal for England?—Yes.

2223. Were your opinions very strong about it as to its expediency and policy?—I think that the present law of settlement is so great a hardship to the English poor, that I should be very glad to see it got rid of.

2224. Altogether?—I will not say that; the English poor have a tendency to come a great deal into the towns; and if you got rid of the power of removal altogether, the towns might become unjustly burthened. I think that is an element in the question which ought to be very carefully considered.

2225. Taking all things into consideration, and seeing how many evils there are on the one side pressing hardly upon the poor, you would be rather in favour of the abolition of the law altogether?—Certainly, I should be rather in favour of it, but I should prefer trying first what I have suggested to the Committee, namely, the giving a discretionary power to magistrates, and the retention of settlement by birth only; I would rather see how that worked first.

2226. I had not the advantage of hearing the entire of your evidence: but you left this impression on my mind, that you thought it a very great hardship for a parish to be burthened with the relief of a person who never had resided in that parish, and who by his labour and industry had never contributed to its prosperity?—Yes.

2227. Do you know what the operation of the law which was brought in as a Bill by the Right honourable Chairman would be? Supposing the law of removal abolished on the ground of settlement, and that any person, whether industrious or not industrious, whether really desirous to support himself by independent labour, or who merely came to get on as he might, left a part of England 300 miles off and came to London, might not that person immediately apply for relief to a parish, and would not the parish authorities be compelled to give him relief at once?—Yes, undoubtedly, if they thought that he was destitute.

2228. Whether he was an industrious labourer or a person of indifferent character?—Undoubtedly.

2229. Could they refuse it?—Certainly not, if he were in a destitute condition.

2230. If he were in a destitute condition, no matter what his character might be, or what his intentions might be, if he applied for relief under the operation of that law, he must receive relief?—Certainly.

2231. He could not be denied it under any possible circumstances?—No.

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2232. If that were the state of the law, and if your idea were carried out, that the Irishman should stand in a then exceptional position, would not it be most unfair and harsh towards the Irishman, as compared to the manner in which the Englishman was treated?—No; I think that, until a person has made himself useful to some community, the place of birth is the place which may fairly be expected to contribute towards his maintenance; I would therefore retain the birth settlement. There are two elements in the question: if you merely look at the case of the poor man himself, then there can be no doubt that any settlement is a grievance to him, because the poor man wants to be in London; and if you remove him, under any pretence whatever, you do an injustice to the poor man *pro tanto*. But then the other question arises, whether one part of the community ought to bear the burthen of the man's maintenance in case of his destitution or another part of the community. The towns might very fairly say, "A large number of persons flock to us and at once become chargeable upon our resources, who have really never rendered any service whatever to our town, or to our part of the country; they ought to be sent back to the place of their birth." It is, therefore, a balance between those two contending principles. If you look to the pauper's interest only, you will abolish the law of settlement altogether; if you look to the interest of the members of society who may be called upon to maintain him, then the place of birth is the proper place to send him to until he has performed some useful service elsewhere.

2233. Upon the assumption that the law of removal in England is utterly and entirely abolished, you will not have the power of sending any man, no matter what his character or intentions might be, back to the place of his birth or original settlement?—No.

2234. Wherever that man is destitute and demands relief, you must give him relief?—Yes.

2235. If that be the case with the Englishman, is it not most unfair to say to the Irishman, "You must reside for five years in this country, and be industrious for those five years; or, if in the mean time you demand relief, you must be sent back to your own country"?—If you ask me with respect to the individual, I should say that I should greatly prefer letting the Irishman stay here, as I should prefer letting the Englishman stay here; but when I look at the different circumstances of the two countries, then I think it would be excessively unjust to charge the improvidence of Ireland upon the thrift of England.

2236. Would you not be charging the improvidence of some remote part of the country upon some parish in London?—No; my answer is, that no part of England is less thrifty than another; all parts are equally industrious.

2237. Are all parts of England equally prosperous?—Perhaps not.

2238. Do you mean to say that there are no fraudulent applicants for relief; that there are no unthrifty Englishmen and people who are fraudulent in character?—That there may be individual cases is obvious to every one, but the general character of our countrymen is entirely different from the general character of the Irish.

2239. Is not it the general character of the Irish who came here, taking them as a mass, that they are people who are really anxious to support themselves by their industry?—I do not know whether you were present when I illustrated that by a case which actually occurred before me. A poor widow was brought before me in the month of December last; she had four children, the eldest of which might be 10 or 12 years of age; I asked her in the usual way, "My good woman, have you any objection to be sent back to Ireland?" She had been here four or five months; she said, "What are you sending me back to Ireland for? My neighbours told me that I might keep myself in England during the summer months, and that then I could go into the workhouse and remain there during the winter." I inquired further into the case, and found that it was this: the poor woman had been the wife of a small farmer; her husband died; she was not able to carry on the little farm, and the neighbours then recommended her to come over to England. She came by the Bristol Channel; paid 1*s.* 6*d.* for herself and her family coming over; begged her way up to London; then lived for some months in London, partly upon charity, and partly upon what she could get to do; but as soon as the winter set in, she became chargeable, and was taken into the poor-house.

2240. Do you bring forward that solitary case to illustrate the entire class of migration from Ireland?—Certainly not; but I think that that is a large class;

I think

I think the great majority come over with a sort of uncertainty that they may get employment, and with an expectation that at all events, if they do not get employment, they will find it more easy to get charity or to get relief from the poor house.

2241. Will you confine yourself for one moment to the industrious able-bodied class of Irish workmen; will you at least admit this, that the operation of the law would be very different with respect to an English labourer, to an Irish labourer? If an English labourer could come from any part of England at once to a London parish, and in case of necessity at once demand relief, while an Irishman, unless he had been five years industriously occupied in this country, could not venture to demand relief within that period of five years, without the risk of being sent back to his own country; would not that be a very marked and striking inconsistency between the two laws, no matter how it might be justified by expediency?—No doubt.

2242. Do not you think that such a state of things would give rise to a very strong feeling in the minds of the community in Ireland?—Upon what grounds it would do so, I should be at a loss to perceive.

2243. An Englishman, no matter what his character or intentions might be, who has never done one sixpence worth of work for a parish in England, could come 300 miles and immediately demand relief, while an Irishman, who had been three years industriously occupied in this country, and who should have temporarily fallen out of employment, could not venture to go and demand relief on account of the fear of removal to his own country: would that be a fair state of things?—I think it would be a very fair state of things, taking the whole case into consideration; and, if you will permit me, I will give an illustration of what I think would be its fairness: I know a gentleman who, some time ago, was the manager of an estate on which there were a great number of small farmers, when agriculture was prosperous.

2244. Was that in England?—No; I now speak of Ireland; of the county of Louth.

2245. At what time was that?—Some years ago; I cannot tell you the exact period.

2246. Was it in 1846, 1847, 1848, or 1849?—Not during the period of the famine.

2247. In 1850?—I cannot tell you the precise period; but I am now taking a case which is constantly occurring in Ireland; it is only given by way of illustration. A gentleman wanted to get rid of a number of small tenants; in consequence of the state of agriculture these small tenants could no longer get a living there; 100 souls of them were dispossessed, and a sum of money was paid to them, averaging 10*s.* a head; some had 3*l.* or 4*l.*, but it made altogether about 10*s.* a head; a small number remained in Ireland, and were employed as labourers; the great majority of them came over at once to England. Now I think that so long as the state of Ireland is such that those dispossessions of tenants must from time to time occur, it would be very unfair to treat the two countries in the same manner.

2248. Do you know whether those evictions or dispossessions of tenantry are as common now as they were four, five, six, seven, eight, or ten years since?—At the present moment, I should imagine, there are none at all.

2249. Have you heard of any evictions in Ireland upon anything like a large scale for the last four years?—I should think that during the last two years the price of agricultural produce has been so high as to enable a poor man to pay his rent, and I should imagine that there have been no evictions at all; but as soon as the price of agricultural produce falls, I am quite sure we shall hear of them again.

2250. Do not you think that evictions are much less likely to happen in future, inasmuch as the population has greatly diminished, and inasmuch as the landlords really do suffer, and therefore rather want to keep their tenantry than to get rid of them?—No; my opinion is that you will constantly have a continuing series of evictions until the condition of Ireland becomes much more like the condition of England. I think that as capital increases in Ireland, farming upon a better system will be adopted; that must lead to the eviction of the small tenants, and then where are the small tenants to go? They must go to America or come to England.

2251. Are you not aware of the operation of the Encumbered Estates Court, by

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by which a vast quantity of capital, hitherto dormant, has been diffused over the country?—Yes; but my opinion is that the effect of that will be to increase the evictions, because if a man buys an estate upon which there are 20 small cottier farmers, farming from 5 to 10 acres a piece, he will find it much better for him to have it cultivated upon a better system; and then, when the fall in prices of agricultural produce prevents the cottiers from paying their rents, he will avail himself of that opportunity to get rid of them, in order that a proper system of farming may be introduced. I think, therefore, that as you increase the capital applied to land in Ireland, you will have a continuing series of evictions, until the condition of the country becomes very much like that of England.

2252. Are you not aware that the population has vastly diminished, and must steadily be diminished by the operation of emigration, by the great attraction which America and Australia offer to Irish adventurers?—But you must bear in mind what the natural power of propagation of the Irish people is, if I may so say. I think we have it on record that in the period which preceded the last census but one, that is to say, in the last favourable period of 10 years, the Irish population increased 2,000,000, that would be at the rate of 200,000 a year, exclusive of the emigrants, during that period; you therefore find that if you have an emigration of something like 200,000 or 250,000 a year, the Irish population will remain stationary.

2253. Mr. *De Vere.*] You have spoken of the evictions which have taken place in Ireland having had the effect of bringing a number of persons to this country; what were those persons; were they labourers or mendicants?—I should say certainly not mendicants. There are persons who come over to this country with the hope of bettering their condition; they cannot immediately get work, and of course are obliged to beg; we see them constantly in the streets of London, and up and down the country; they beg until they can get work; when he can get work, an Irishman is, as a man, an excellent creature, and the great bulk of them do not wish to live upon charity, but their unfortunate condition compels them to have recourse to it.

2254. Whether evicted or not, the persons who come over to England are persons who come over in search of employment, as a general rule?—They come over to better their condition; they come over to get employment if they can, and if they cannot, to live upon charity.

2255. Is it not the case with every poor man, that his object is to live by his labour if he can, and if not, to avail himself of such means as the law affords him?—With the English labourer it is more in his idea that he can live by labour than in the case of the Irishman; because the Irishman in his own country has not, as a general rule, been accustomed to anything like steady labour; he is very glad to get it if he can.

2256. When an Irishman comes to this country, have you had an opportunity of seeing the way in which he works; does he not then show an evident anxiety to support himself by labour?—Undoubtedly; some of the very best men in London are Irishmen.

2257. Do you not think that the best test which you can apply as showing whether a person is anxious to support himself by labour or not, is to show, that so far as he has had the means of obtaining employment, he has made use of them?—No; I do not think that that is the proper test. Take the case of a great number of small rate-payers in the eastern end of London, men who are struggling, and with difficulty struggling to pay their rates; they may very fairly say, "Why do you charge us with all these Irish people who cannot get employment, when they have been turned out of their own country for the purpose of advancing the interests of some man of fortune there, or for the purpose of relieving Ireland from a burthen?" It seems to me that it would create something like a rebellion in England if you were to throw upon the rate-payers, as I think unjustly, such a large amount of Irish destitution.

2258. You have stated that you would not remove a person applying for relief if you had reason to believe, from the answers which he gave to you, and which you have detailed to this Committee, that he was an industrious person, and one, under ordinary circumstances, likely to be able to support himself by labour?—I should be loth to do so; I do not say that I would not remove him but if a man had resided for five years in this country, and had during that time been working in a steady manner, I am sure I should refuse at once to remove him,

him, unless some very special circumstances were shown; if he had not resided for five years here, I should feel that if the parish authorities pressed his removal I ought to remove him, but I should be very loth to do so, and I should send to the Board of Guardians and say, "Here is a very honest good man; try if he cannot maintain himself;" and in most cases he would get a little temporary relief and be allowed to remain.

2259. You have stated that the condition of Irish persons applying for relief in this country at present, is better than that of the English, inasmuch as in the case of the Irish the magistrates have the power of exercising a discretion which they have not in the English cases?—Certainly.

2260. Do you now persist in saying that you would not exercise that discretion beyond appealing to the Board of Guardians, except in a case where a man had resided for five years?—Yes, because the Legislature has pointed out a period after which a man should be irremovable; if he had been five years in England, though not five years in one parish, I should consider that he came within the equity of the statute, if I may so say; I would not remove him in a case of that kind, simply because he had gone out of parish A into the contiguous parish B, but if he had not been five years here, if the thing were pressed upon me, I should consider it my duty to remove him.

2261. Then you would not use that power of discretion as against the opinion of the Board of Guardians, except in a case in which the person brought before you had been five years resident in some part of this country?—Certainly I would not.

2262. Then except in that case of a five years' residence, your discretionary power gives no advantage to the Irishman over the Englishman?—I do not quite understand the question.

2263. You say you would not use that discretionary power except in a case in which the person brought before you had been five years resident in this country?—Yes.

2264. You also say that that discretionary power gives a considerable advantage to the Irish over the English?—Yes.

2265. Does not it follow that discretionary power gives no advantage to the Irishman over the Englishman, except in cases where the applicant has been five years resident in the country?—It seems so, certainly.

2266. Are you aware whether other magistrates act conformably with your views upon this subject?—I think that the body of the metropolitan magistrates do; I can give an example of a case which occurred before my colleague some time ago. A poor woman had lived some 8 or 10 years in London; she then became chargeable; she had lived, as many of the poor Irish women do, in the streets; that is to say, selling fish in the streets, or keeping a little stall, hawking fruit, and that kind of thing; my colleague said that he would not remove her, and not only did he refuse to remove her, but he gave her 10*s.* for the purpose of getting up her little stock; the next day the facts were brought under my knowledge, for she was brought before me as having been found drunk in the streets, and in that manner I became acquainted with the facts. I must say that a great deal is done by the metropolitan magistrates in helping these poor women, who for the most part are Irish, to maintain themselves in that way.

2267. Have you any means of ascertaining whether the views which you entertain as to the exercise of this discretion are generally acted upon in the case of removal?—I should say certainly not; I do not know whether you were present when I stated my reasons for believing that in the country generally the question is scarcely considered at all; I am afraid that the country magistrates take up the Act of Parliament, and they see that they are only obliged to inquire into the chargeability of the pauper, the question whether he was born in Ireland, the question whether he has gained a settlement in England, and the question whether he has resided five years in any one parish; the moment they have ascertained those facts, I believe they immediately, as a matter of course, remove the pauper without inquiring further into the matter.

2268. *Chairman.*] Those being the points to which the form of examination in the schedule draws their attention?—Precisely so.

2269. Mr. *De Vere.*] And you think that in many cases that inflicts a hardship and cruelty upon the person removed?—Undoubtedly.

2270. You propose to remedy it by suggesting another form of questions?—Yes.

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2271. But you still leave it in the discretion of the magistrate to act as he pleases after receiving answers to those questions?—Certainly.

2272. Then supposing your alteration should take place, the magistrate will not be in any way compelled to alter his present course of procedure?—I think he would be compelled, because, in the first place, all the facts would be brought before him; now they are not brought before him, and I think that nine magistrates out of ten, even though they might not be lawyers, if they had all the facts before them, would come pretty nearly to the right conclusion. There would be some instances, no doubt, of perverse men who would act in a harsh manner, but I do not think that the majority of English gentlemen would do so.

2273. You do not propose to compel the magistrates to adopt any particular course of proceeding in reference to the answers which they might receive?—Yes; I propose that the facts shall appear upon the examination, and to have the examination affixed to the warrant of removal. In that manner it would become evident at once what the grounds of removal were.

2274. You would affix the questions and the answers to the warrant?—In every case there must be a warrant for the removal of the pauper; to that warrant an examination must be affixed; that examination might be in the form of the examination of a deserter or the examination of a militia man; a number of questions might be printed, which questions should involve all the points which might be considered material for eliciting such facts as the descretion of the magistrate ought to be founded upon. Then you would have the question, and the answer written under it, and I would finish up all the questions by putting the general one. "Have you any objection to be removed to Ireland, or do you wish to be removed to Ireland?" Then the pauper's answer would get out his view of his own case.

2275. Even if those answers so affixed to the warrant should disclose a considerable hardship on the pauper by his removal, you would still be able to prevent that removal from taking place; the magistrate would still exercise his discretion?—Undoubtedly.

2276. You stated the case of a widow, a helpless woman, with four or five children, coming here for the purpose of supporting herself by labour during the summer, and with the intention of being chargeable to the parish in the winter, and who had begged her way up to London; you said that that was the case in 99 cases out of 100?—I did not mean to say that at all; it was quite inadvertent if I gave that answer.

2277. Mr. *A. Hastie.*] In the early part of your examination you stated it as a case of hardship that a man might have been born in a London parish, and might have lived all his life in a London parish, and yet, notwithstanding that he might be returned to the settlement of his grandfather or his great grandfather, say, in Cornwall, a place where he had never been?—Yes.

2278. Is that so?—Undoubtedly.

2279. That the place of a man's birth does not give him a settlement?—The place of a man's birth gives him a settlement if no other can be discovered; but birth is the weakest settlement, according to the English law, and only prevails if no other can be discovered.

2280. *Chairman.*] It is the last resorted to, is it not?—Yes.

2281. Mr. *Smollett.*] I think you stated also, in reference to that question, that the case which you put was a very extreme case?—Yes, I took a very extreme case; but, in principle, the same thing does occur; I took an extreme case for the purpose of illustrating the principle.

2282. Then, practically, very few cases of the kind mentioned by Mr. Hastie occur?—I might almost say never; cases do occur where a man is removed upon the settlement of the grandfather, but if it be the settlement of the great-grandfather, it is very difficult to prove it, unless there has been some relief in the mean time, whereby the old settlement has been recognised.

2283. Mr. *Ingham.*] You said that when the magistrate had once exercised his discretion you would not allow any appeal from it?—Yes.

2284. Supposing that the series of questions which you propose disclosed a case of considerable hardship, as, for instance, a case of 18 months' industrial residence, and a cessation of work through some natural cause, such as an inclement season, should you object to require the attendance of a second magistrate to adjudicate upon that case, so that it might be more deliberately considered than by a single magistrate?—I do not know that I should recommend that.

that. The evils would be very great in the metropolis of allowing a second consideration because the parties might go to a different tribunal. They might go from the police court to the County Justices.

2285. You have said that at present, as everybody admits, the benevolent exertions of the metropolitan magistrates provide occupations for these poor people beyond what would be found in the ordinary administration of the Poor-law in other parts of the country?—Yes.

2286. Should you not think, as a general rule, that if the answers to the questions which you propose established a case of hardship, it might be expedient to have that case considered by a second magistrate before the removal was ordered?—In the country two magistrates are necessary.

2287. Sir *J. Trollope.*] Have you the power, as a police magistrate, to remove singly?—Yes.

2288. You stated that in your opinion the only settlement which should be retained is the birth settlement?—Yes.

2289. Would you abolish the settlement by renting a tenement?—Yes, I think I would.

2290. Or by renting property of any species?—I think I would.

2291. And you would also abolish it by holding particular offices which now confer a settlement?—Undoubtedly.

2292. Then you would leave nothing but the birth settlement?—I should leave nothing but the birth settlement, and what are called settlements by marriage and parentage, which would be merely useful for the purpose of giving effect to the birth settlement; for example, if a woman marries a man who has a birth settlement in London, then her own settlement is put an end to, and she takes the settlement by birth of her husband. Now, that is called a settlement by marriage, but in effect it carries you to the birth place of the head of the family, and gives effect to his birth settlement. In like manner, take the case of a child under the age of 21 years; the child may have been born in London, still it is obvious that the settlement of the parent is the one which ought to be looked to, and not the settlement of the child so long as the child is under the age of 21; children are looked upon, and must be looked upon, as part of their parents until they attain the age of 21, and they follow in all respects the settlement of the parents.

2293. Supposing birth was the only settlement which was to be authorised, would you carry the settlement further back than that of the parent?—I have not considered that, but speaking off-hand, I should say certainly I would not; I would take the birth place of the parent only, to make the law as simple as possible.

2294. In the case of the parent's settlement not being discoverable, the child's settlement would be in the place of his own birth?—Undoubtedly.

2295. And that would be an irremovable case?—Undoubtedly; so that if you had a child born in London, and you could not discover the place of the parent's birth, of course the child would be then irremovable.

2296. In your district of London are the removals to Ireland and Scotland frequent, or are they on the decrease?—Scotland may be almost put out of the question, because the removals are so few; I do not recollect having removed more than one or two Scotch paupers during a space of six years, and the Irish removals have certainly within the last two years been exceedingly few.

2297. Do not you consider the social position of Ireland, with regard to its present prospects, as the cause of that decrease?—Undoubtedly; the great agricultural prosperity of Ireland prevents the breaking up of small farmers; so long as the small farmers can pay their rent, the landlords will not interfere with them; but the moment that the present prosperity passes by we shall have all the old questions until the cottier farmers of Ireland are entirely broken up; in the end, I hope and believe that Ireland will be just as prosperous as this country; it is the transition period which I am afraid of.

2298. In your experience have you ever had occasion to remove persons of that class, namely, the cottier farmers of Ireland; are not those who are removed rather the offscourings of the larger towns of Ireland; are they agricultural people whom you have to remove, or townspeople?—I can hardly tell you that, because it is not necessary for us to make the investigation; I may say that the great majority of the people whom we at present remove from London are

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are women; they are perhaps widows; I do not know why it is, but the fact is, I believe, that the great majority are women.

2299. Naturally from their having become chargeable through the loss of their husbands?—I think that is very probable.

2300. In your experience, have you known many of those persons return again and be removed a second or third time?—I only recollect one case, which was distinctly brought before me, and that was the case of a family which had been removed to Ireland; and the Mayor of Cork, and some gentlemen who had thought the removal unjust, immediately subscribed and sent the person back to England; she was brought before me; I forget whether it was a man or a woman; but there was a family; I did not inquire into the facts, for it appeared to me that the former adjudication was conclusive.

2301. And you sent the person back to Ireland again?—Certainly.

2302. Have you had other cases where you had reason to believe that persons, either in a greater or a less number, had been sent over by any authorities from Cork, or any other city in Ireland?—Not by any authorities; that is the only case which I recollect, where it was clearly shown that a person had been sent from Ireland by any public authority.

2303. Have you had any cases where they have been so sent over by other than public authority, namely, by private benevolence or subscription?—I should be sorry to answer that in the affirmative, and to state it as a positive fact; I believe there are a great many cases where persons are helped to come over to this country, I do not say from wrong motives, and I do not believe that it is from wrong motives, but the position of a poor person in Ireland dispossessed of a little farm of two or three acres is a very miserable one; that poor person, if sent over to this country, has a chance of getting on in some way or other here. I believe that, very much from a feeling of compassion, sums of money are given to people to enable them to come over here.

2304. Upon the whole, then, you are of opinion that the power should be retained to transmit persons becoming chargeable in London or elsewhere to Ireland?—I think it indispensable to retain it.

2305. Even if the law of settlement and removal were dispensed with in England?—Undoubtedly. I think so long as there is that marked difference in the condition of the two countries, it is absolutely necessary that England should be protected from the poor outcasts of Ireland.

2306. The only perfect cure, then, would be to assimilate the condition of the laws with regard to the relief of the poor in both countries?—That is quite impossible. If you were to attempt to reduce the English standard to a very low point, then all the people in England would cry out against the cruelty of it. If you were to raise the Irish standard to the English point, then a vast concourse of people would flock to the workhouses in Ireland.

2307. You mean if you raised the standard of relief and of food?—If you made the condition of a man in the workhouse very superior indeed to the condition of a man out of the workhouse, you would afford a strong temptation to throw himself upon public relief.

2308. You have never been concerned, I think, in administering the law in Ireland?—Never.

2309. But you are aware of the great distinction of the law there?—Altogether I have been acquainted with Ireland 20 years, and have spent about two years there. I have been on visits of two or three months, and on one occasion of eight months at a time; and in that manner have acquired a good deal of knowledge of Ireland; I cannot speak positively as to the fact, but it is indisputable, I should say.

2310. *Chairman.*] You have mentioned two cases of assimilation of the Irish law and the English law, which you consider to be impracticable?—Yes; I mean not the law, but the method of treatment.

2311. Do you conceive that it would be possible to introduce into this country a discriminating system between the Irish and the English paupers; that is to say, to treat an Irishman in England in the same way that he would be treated in an Irish workhouse?—I think it would be quite impossible.

2312. Mr. *Maguire.*] In reference to the case of which you spoke, of a widow and her family being sent back by the Mayor of Cork, when she was brought before you again; did it leave you under the impression that the Mayor of Cork

Cork had acted under the idea that that woman had been unjustly removed?—I did not inquire into that matter at all. It was proved before me that there had been a former order; that the woman, or the man, or family, had been immediately sent back by the Mayor of Cork; and I did not inquire further into the matter. At that time I had no idea of being asked to come as a witness here, or I certainly would have inquired into the facts.

2313. Had that woman been sent to Ireland by you?—No, not that I know of.

2314. By what magistrate had she been sent?—I cannot tell you that.

2315. Had she been sent by a country magistrate?—I cannot tell you; I have no idea.

2316. I believe country magistrates are not so strict as gentlemen belonging to the law, like yourself?—I should imagine not, because they are not acting under the same responsibilities.

2317. Therefore it might have happened, that in administering the statute these gentlemen might have come to an illegal decision?—It might have happened so.

2318. And it might have happened that that woman and her family had been the victims of that misconception of the law?—It might have been so, but the controversy which I find, generally speaking, is not about the law, but about the facts; and even there is not much controversy about the facts. The question is, what discretion ought to be exercised upon the facts which are admitted.

2319. But do you not know of your own knowledge that there are Boards of Guardians in London who hold the idea that the Irremovable Act does not apply to the Irish?—I do not know that.

2320. Has it not come under your notice?—Certainly not.

2321. Would you be surprised to know that there are some Boards of Guardians within the metropolitan district who entertain that opinion up to the very present moment?—I should be astonished to hear of a Board of Guardians in its collective capacity entertaining that opinion; that individuals may entertain it is very possible.

2322. Supposing an Irishman resided in a parish so long that he could not be removed, and that a child was born in that parish and the Irishman died, could that child be legally sent to Ireland?—No, unless one of the parents was alive.

2323. Suppose the mother survived?—Then it could, if she was an Irishwoman, be sent along with herself; the children are considered as part of the head of the family.

2324. Until the children are 16 they follow their parents, in fact?—They follow their parents until 21; until they are emancipated. If a person under 21 gets married, he becomes the new head of a family.

2325. You spoke awhile ago of evictions by Irish landlords; did the fact of those evictions come before you as a police magistrate?—No,

2326. Did you ever hear whether there were any extensive evictions by London societies holding land in Ireland, such as the Law Life Assurance Society?—I have never heard of it; I think it is exceedingly probable, because they will probably only look at the most profitable way of managing their property.

2327. Mr. *Cheetham.*] Did I understand correctly your statement, that the annual increase of the population in Ireland beyond the emigration, was 200,000?—No, not beyond it; this is only conjecture on my part, but it is founded on what I conceive to be an ascertained fact, viz., that in the ten years comprehended in the census which immediately preceded the famine, the population of Ireland increased by 2,000,000; from something like 5,000,000 to 7,000,000.

2328. Mr. *Maguire.*] Have you the figures before you?—I have not; I speak subject to correction. I think that those were the proved facts, that during a period of 10 years the population of Ireland had increased about 2,000,000; that would be at the rate of 200,000 a year; and then, if you add to that the number of emigrants which there were during that period, that would show the natural rate of increase of the Irish people to be considerably more than 200,000 a year. I do not say 200,000 a year in excess of the emigration at the present moment, but 200,000 a year in excess of the emigration at that period.

2329. Mr. *Cheetham.*] Is it not a fact that there is less emigration, and has been during the last two or three years, of labourers from Ireland to England?—I cannot answer that; I do not know.

2330. Supposing that to be a fact, and looking to the improved condition of

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the Irish labourer, to which you have referred; looking also to the fact of the diminished amount of emigration to America, under those circumstances you are still of opinion that it would not be safe to abolish the power of removal?—I certainly think not. If you found the rate of wages in Ireland pretty nearly the same as the rate of wages in England, for any long period, say a period of two years, then I should say it would be quite safe to get rid of removals altogether.

2331. Supposing Parliament should take a different view, and abolish the power of removal, would it be a sufficient protection to the English ratepayer to recur to the practice of the Poor-law when first introduced, and to abolish almost altogether, if not entirely, the power of giving out-door relief?—I do not quite understand the question.

2332. The English Poor-law, when first introduced, contained a provision that there should be no out-door relief?—Yes.

2333. Would that power, if carried out, be a sufficient protection to the English ratepayer, supposing the power of removal of Irish paupers were done away with?—I think not; I think there would be large bodies of Irishmen who, during the winter time, would go into the poorhouse, and remain there for long periods; during the summer time they would prefer being out.

2334. *Chairman.*] Do you think that that principle could be carried out?—No.

2335. Mr. *Grogan.*] You have expressed an opinion that in the event of doing away with the power of removal of Irish paupers to Ireland, the confining the relief to such of them as might require relief in this country to the poor-house would not be a matter of protection; that the poor-house would be over-crowded?—I think so.

2336. Are you aware of the actual state of facts in Ireland upon that subject?—Yes, I am aware that they do not resort to the poorhouses there.

2337. How do you reconcile that?—I think that the treatment in the Irish poor-house is such as to make it an unpleasant place for an Irishman to go to; but an English poorhouse would be an extremely comfortable and desirable residence for the great majority of Irishmen to go to during winter time, the difference of treatment is so great.

2338. Mr. *Cheetham.*] My question assumed a recurrence to the practice and spirit of the English Poor-law when first introduced, which was to prohibit out-door relief?—First of all, I think it would be impossible to have in-door relief only as a principle; and in the next place, if you did adopt it as a principle, I am satisfied that a very great number of Irish people would go and spend many months of the winter in the poorhouse. In the summer they can get on very well outside; the weather is fine, and they can make shift; in the winter time they could not live in the streets, and they could not make shift as they do in the summer time, and they would go into the poorhouses.

2339. Mr. *Smollett.*] Are not the poorhouses much more comfortable both as regards diet and every other point?—No doubt of it.

2340. Mr. *Grogan.*] Is the opinion which you have just expressed based on experience, or merely conjecture, as I understand some of your answers to be?—It is a conjecture based upon some experience. I have been six years acting as a police magistrate at the Thames Police Court; I have seen a great deal of the Irish labourers; they are every day coming before me; poor people come to make complaints against parish officers, and the parish officers then come and make their statements; I cannot exactly tell you upon what specific fact I have based that opinion, but it is based upon the experience of six years.

2341. Is it within your knowledge that in any instance whatever, the experiment of giving in-door relief to an Irish pauper applying for relief, has been resorted to as a rule?—Whenever an Irishman applies for relief, they say, "Come into the house, we will relieve you and keep you here; we will inquire whether you are removable to Ireland; if you are we shall send you there;" and in a great many cases an Irishman refuses to go into the house when he knows that he will be sent back to his own country; but if that alternative were not presented to him he would undoubtedly go into the house.

2342. Your opinion then is, that the idea of his being sent back to Ireland on coming into the house deters him?—Undoubtedly.

2343. Mr. *Maguire.*] Do not you know that the Board of Guardians have the same

same power of removing him, if he accepts out-door relief, as if he accepts in-door relief?—Yes.

2344. Mr. *De Vere.*] You have said that the superior diet in an English workhouse would form a ground of a greater temptation to the Irish pauper to get into the poorhouse than it does in Ireland, where the diet is inferior; does not the diet in the workhouse bear the same proportion to the ordinary diet of the labouring poor in England as it does in Ireland?—I can scarcely answer that question; if I were to guess, I should say not; I should think that the scale of diet in-doors in England is a very liberal one; there is a great deal of sympathy for the poor in England, which compels public bodies to adopt a more liberal system than perhaps policy would suggest.

2345. Do you think that the dietary in the English workhouses is superior to the ordinary diet of the working poor?—Men who are in full work can get a full diet in England; but men only partly at work, working only two or three days a week, would probably have a superior diet in the workhouse.

2346. You think that the workhouse dietary in England is superior to the diet of the working poor, who, though not permanently employed, are yet able to support themselves and their families by their labour?—I am only guessing, but I should guess that it is; I do not know anything about that matter.

2347. You have said that as soon as the rate of wages in Ireland has been for two years as high as that in England, you may then safely abolish the law of removal?—I think so, if it were clear that the improvement was permanent.

2348. Would not the temptation which now brings the Irishmen to England in search of work then cease?—I think it would. There is one other point upon which I have been questioned; viz. as to an appeal from the decision of one magistrate; I would simply throw out a suggestion that it would be a very easy matter for the Poor Law Commissioners in Ireland to employ an agent in each of the large towns, to whom the notice of a removal about to take place might be sent, and who might have the option, if he thought proper, to come before the magistrate at a later day and reopen the question.

2349. Sir *J. Trollope.*] At whose expense would you propose that appeal to be carried on?—Of course at the expense of the appellants.

2350. Who would be the appellants?—The appellants would be the Poor Law Commissioners in Ireland.

2351. You would throw it upon that Board rather than upon the individual parish or city in Ireland where these paupers landed or became chargeable?—I think I have not quite sufficiently explained myself; supposing I adjudicate upon a case, and sign the order for the removal of an Irishman to Ireland, then I would suggest that upon that warrant being made, a copy of the warrant and a copy of the examination should be at once transmitted to an agent of the Irish Poor Law Commissioners in London, a man employed and paid by them; that agent should have, say, seven days given him for an investigation of the facts; if he at the end of seven days liked to come before me again, and to have the question gone into again, that might be done; if he did not within the period of seven days come before me for a reconsideration of the case, then the warrant of removal should be final. That would be an appeal which would cost about a guinea in each case, and I should say that it would be extremely satisfactory to gentlemen in Ireland if they chose to bear the expense.

Andrew Doyle, Esq., called in; and Examined.

2352. Sir *J. Trollope.*] I THINK you are a Poor Law Inspector, and have been for a considerable number of years?—Rather more than seven years.

2353. Will you state your present district?—My district comprises the whole of North Wales, Shropshire, Cheshire, Staffordshire, and a portion of Derbyshire.

2354. Is there much Irish population in any part of your district?—There is a very considerable Irish population scattered over the whole district, of course more or less concentrated in the different towns; in the manufacturing district it will be found concentrated in the large towns; in some of the agricultural districts it will be found in the town of the district. Take for example, the Wirral Union, which is very much an agricultural district,

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the poor Irish population will be found concentrated in Birkenhead. In Wolverhampton it is scattered over the four parishes which comprise the Wolverhampton Union, but the bulk of the Irish population may be said to be in the town of Wolverhampton, and so with other places. With respect to Chester, although the industry of the Irish poor is expended in other places than the city of Chester, and they go three, four, and five miles, and even six and eight miles into Cheshire, they return to the city of Chester to live; they reside in the city of Chester.

2355. You have, of course, considered the subject of removal and of settlement in England?—I have had occasion to express an opinion to the President of the Poor Law Board upon the subject of the desirableness of retaining or abolishing settlement in England; I have taken the liberty of expressing my opinion strongly upon the necessity of abolishing the power of removal on account of settlement in England.

2356. What would be your opinion with regard to the Irish poor, supposing the power of removal was abolished as regards the English poor; would you retain the power of removing the Irish under those circumstances?—I should not make either question dependent upon the other, but would take so much of a good as I could get; I would abolish the power of removal in England: I think it ought also to be abolished as regards Ireland; I think that every argument which applies to an abolition of the power of removal in England, applies with at least as much force to the case of Irish poor. This is the conclusion to which a great deal of attention to the facts which have come under my knowledge within my district has brought me. I have examined these facts with as much care as I could bestow upon them, and I have come to the conclusion that the power of removing English poor should be in any case abolished, and that it should be also abolished with respect to the Irish.

2357. Have you a full knowledge of the condition of relief in both countries?—I have no personal knowledge of the condition of relief in Ireland; I have that knowledge which one may derive from reading the examination of witnesses before this Committee, from inquiry of persons practically conversant with the subject, one as an officer, and some of the poor who have been in workhouses in Ireland. I took occasion to search amongst the poor in Birkenhead for poor people who had been in some of the workhouses in Ireland; I received statements from some of them; I have got with me the statement of one. I have so much knowledge as one can derive from these sources of information as to the condition of relief in Ireland. I have, I would presume to say, an intimate knowledge of its condition in England.

2358. With reference to the different circumstances of the poor in Irish and in English workhouses, do you consider that the superior mode in which they are treated in England would be an inducement to the Irish poor to flock into this country?—I do not; I do not consider that the superior treatment of English poor would alone operate as an inducement to bring poor from Ireland into England; I think the importance of that consideration is very much exaggerated by those who dwell upon it; I have heard it very much urged at Boards of Guardians, where I have had opportunities of submitting the question for consideration; but I think the importance of it is a good deal exaggerated: the poor are led from Ireland by totally different considerations into this country. Though I do not think they are attracted to England by the advantages which may be derived by poor in England, yet, to some extent, probably, they are repelled from Ireland by the parsimony of the relief which is administered there; to some extent, I think, that does operate, but I do not think it ought to weigh at all in the decision of one's judgment upon the desirableness of abolishing the power of removal. Irrespectively of that consideration altogether, I think you have a machinery in England for completely protecting yourself against the effect of such immigration.

2359. Would the fact of a large amount of the relief to the poor in England being out-door relief be any inducement to the Irish?—That is always within the discretion of the Board of Guardians, and if the relief given be out-door, then the guardians have themselves to blame for encouraging an immigration of the Irish poor by giving them out-door relief.

2360. Within your district do the guardians and ratepayers desire to retain the power of removing the Irish?—There is a general feeling in my district in favour of

of retaining the power of removing the Irish; there is a very strong impression that the abolition of the power would be attended with a great deal of injury. There are, however, some unions, and I should say particularly one incorporation, where partly from a better administration of the law, and where (if I may say it without offence to the guardians who entertain the contrary opinion), I think, from a more enlightened consideration of the subject, they are quite willing to dispense with the power of removing Irish. In the Chester Incorporation the guardians came to an unanimous resolution in favour of the abolition of the power.

2361. That is not under the new Poor Law; is it a Gilbert Union?—It is an incorporation under a local Act; but generally with respect to relief, both English and Irish, the same principles operate in Chester as operate in other unions; there is no element in the consideration of the question in Chester that may not be found in the consideration of the question in other places.

2362. I presume that one of the reasons why the Boards of Guardians in your district wish to retain this power is, as a means of relieving themselves from those Irish who actually become chargeable?—The guardians are anxious to retain the power as the means absolutely of removing the poor who become chargeable. That I presume to have been the object with which this power was given by the Legislature at all; but it is precisely the object for which the law is least efficient. I may mention, for example, that the town in my district in which the pressure of Irish pauperism, from the various causes which have been brought under the notice of this Committee, is heaviest, is the town of Birkenhead. In the year ending 25th of March 1854, there were 30 cases removed from the town of Birkenhead; 29 of those cases were Irish; of those 29 cases, 26 came back within a few months.

2363. You consider, then, that the power is a useless power, inasmuch as the parties return?—It is perfectly inefficient for the purpose for which the power was granted. When out of 29 Irish poor removed from a single town, I find within that town, or within reach of that town, within a very few months, 26 of them come back again, I must conclude that the operation of that law with respect to the removal of the poor themselves is perfectly inefficient; and one need not suggest for a moment the effect on the minds of the people of a law which is necessarily so administered, that a poor person removed from the quay of Liverpool to-day, lands in Dublin in the morning, takes the boat from Dublin in the evening, and is upon the same quay to-morrow morning. There is no doubt of the fact; I have myself personally examined some of the parties who came back.

2364. Do you consider that this power is any check to applications for relief?—No question of it; it operates as a check to the extent of being an absolute denial of relief to people who are upon the very verge of starvation.

2365. You think then that no distinction whatever should be made between the English and the Irish paupers in the mode of relief to them, either in this country or in their own country?—Looking at the question exclusively from the point of view of an English ratepayer, I should say not; I think the interests of the English ratepayer are sacrificed even more than a feeling of consideration for the Irish poor by the operation of this Act.

2366. How does it affect the interests of the English ratepayers?—As to the operation of the Poor Removal Act, I may take, if the Committee will permit me, the case of Birkenhead as an illustration; I think it is a very fair issue upon which to try the whole question. I think that all the advantages which an English ratepayer may be supposed to contend for may be found illustrated in Birkenhead, and all the disadvantages which, in my view of the case, arise out of the operation of the law, may be also illustrated from the experience of Birkenhead. Of course I am ready to answer any question with respect to any other part of my district; but, if the Committee will permit me, I will look at the question exclusively at present as illustrated by the operation of the law in Birkenhead. The operation of the Poor Removal Act in Birkenhead is this: in the first place, the authorities of Birkenhead and the authorities of Liverpool, and the authorities, it appears to me, all over the country, relying upon the effect of this Act, upon the power which it gives them to remove a pauper, leave the Vagrancy Law altogether in abeyance; it is, in point of fact, a dead letter. Then they are less careful about the administration of the workhouse test. They say,

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in effect, to the poor, "Comeinto Birkenhead, conclude a residence of five years there by any means, and when you have accomplished that residence you will be irremovable; but in the mean time we throw the whole field open to you for begging, for struggling on in any way you can, and when you have accomplished your five years' residence, you will be irremovable. Then having become irremovable, no matter what may be the inducement to go elsewhere, you may hear, when labour is not in demand here, that there is work over in Liverpool, you may hear of a demand for labour in Chester; there may be a pressure for labour in some other place, but if you leave this town, that moment you lose the right of irremovability," that right having been purchased in hundreds of cases by five years of suffering such as it is difficult, in some cases, to give the Committee an adequate idea of.

2367. You are speaking now of the Irish poor, are you not?—I was asked how the interest of the English rate-payer was affected by the question. I say it is so affected that the operation of the Act is to cast into that town a mass of Irish not actually chargeable, but upon the very threshold of chargeability, and which only waits the accomplishment of its five years' irremovability to become chargeable. That appears to me to compromise the interest of the English rate-payer by throwing and keeping within a circumference unable to bear it a mass of pauperism altogether disproportioned to its wants. When I state to the Committee that this year, one out of perhaps three-and-a-half of the Irish poor in Birkenhead have absolutely been chargeable, the Committee may form some idea what is the effect of this law.

2368. Were they irremovable Irish paupers?—The greater proportion were removable, but were not removed.

2369. Mr. *Cheetham.*] Is the expense of removal an object of consideration?—I do not think it would be an object of consideration. Removal is had recourse to rather as an example; it is hung up, as it has been expressed, *in terrorem* over the heads of the poor, and occasionally exercised to show that it is an act of power which can, in cases of necessity, be called into operation.

2370. Then the result of your previous reply is this, that the perfect freedom of labour, if removal were abolished in England, would, in point of fact, meet the complaint of the English rate-payer, that, supposing the power of removal were abolished in England, the pressure of the Irish labour would in a great respect be removed from any particular locality by the facility of going wherever labour was to be had?—Certainly, that is my impression.

2371. That is the strong argument?—My belief is, that if you remove all obstacles, if you have an efficient workhouse test, if you have the vagrant law administered, and if there be perfect freedom for labour to circulate over the country, you will have a dispersion of that which is now almost useless labour, and which, by the simple process of a day's distress, is converted into pauperism.

2372. Was Birkenhead in your district in the time of its distress in 1848 and 1849?—No; I cannot speak of that, except from the records of the office.

2373. Lord *Naas.*] Can you state what proportion of the Irish poor who are relieved in Birkenhead are irremovable?—I can inform the Committee of about the proportion, I think it is a very small proportion indeed. The total number of Irish poor who may be considered to be irremovable in Birkenhead is about one twelfth part of the whole I fancy; perhaps there are 500 out of 6,000.

2374. Is it your opinion that the greater proportion of these poor who are now relieved in Birkenhead would gradually become chargeable?—That they would become irremovable is perfectly certain, because every year a certain number is added to those who become irremovable; and from the best inquiries which I have been able to make, it appears to me that pauperism is going on *pari passu*, increasing as the irremovability increases. This year a certain number will acquire in due course the privilege of irremovability; next year a considerable addition will be made to that number, and so on, until the whole of those 6,000 Irish poor population of Birkenhead will become, with perhaps a fractional exception, irremovable.

2375. Sir *J. Trollope.*] Is it the case with the Irish in your district generally, that they have a fixed residence at any one particular place; do they not move about very much?—The Irish of such a town as Birkenhead, and of such a town as Chester, and of such a town as Wolverhampton, have fixed residences; they reside

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in the places of their industry. With respect to men who are occupied as dock labourers, brought down by the attraction of some great public work being undertaken, such as the making of docks in Birkenhead, or the making of a railway (I saw immense crowds at one period in Shropshire), I think they are less tied to the soil, the operation is less active upon them than it is upon the class who are not like the mendicant class, who really have fixed residences, and who hang on, so to speak, in a town like Birkenhead until they have acquired their irremovability.

2376. Do you wish to point out to the Committee, that if the state of opinion in this country was not in favour of the entire abolition of the law of removal, it would be desirable to diminish the period of residence, so as to shorten the period by which a man could acquire irremovability?—I think it would be very desirable to do so, but if the Committee would permit me, I should be desirous of pointing out other disadvantages of the operation of the Act within my own district. I think that, as a means of actually removing the poor as I have stated, the Act is inoperative; I think, as a test of destitution, it is wholly unnecessary. I am sure the workhouse test, within my district, is a perfectly efficient test for the purpose, and you do not want the other. If you administer your workhouse test, you have a perfectly efficient test for the purpose of ascertaining destitution; and when you push the test beyond the application of the workhouse, you practically substitute an absolute denial of relief, which amounts to driving a man to become either a thief or a beggar.

2377. Do you consider that the workhouse test would be practicable in times of particular pressure on the workhouses in populous places?—As practicable with regard to the Irish poor as with regard to the English poor; recently there have occurred some very extraordinary derangements of industry in the mining and manufacturing districts; the workhouse test has been found totally inapplicable to the pressure of distress arising from those circumstances. Nobody would dream of legislating for the exceptional circumstances of such a state of things as we have just seen in the mining districts of Staffordshire, or in the Potteries in North Staffordshire; and so with the Irish; I think, for the ordinary pressure of Irish pauperism, the workhouse would be found an efficient test. If there occurred some calamity, like that of 1846, it would be useless to talk of the workhouse then as a test; but I should think it would be very unwise to contemplate permanent legislation for the purpose of meeting an evil which might occur once in a century.

2378. Mr. *Smollett.*] In the district with which you are connected, is the workhouse test always applied to English and to Irish paupers in the strict way in which it would operate as a test?—In the Birkenhead Union the workhouse test has been applied to between 600 and 700; it has been accepted by perhaps one-twelfth part; by about 50 out of 650.

2379. Then it is actually made the test?—It is made a test, but not the test. The actual test is, no doubt, the workhouse; but the test, which is rather a test of opinion (namely, the fear of being removed), the guardians look upon as the really efficient test.

2380. Mr. *Grogan.*] You stated that you considered the case of Birkenhead as a good illustration of the whole argument; do not you think that it is more than a good illustration; that it is about the strongest case which you could adduce?—Of course. I should not refer to the case of Birkenhead, if I did not think that it included all the arguments *pro* and *con*. It appears to me to comprise all the arguments which may be used as to the cruel operation of the law. I have myself met with instances; I have had the people before me, and taken down their examinations, which I have for the information of the Committee, if they desire to have some cases of the operation of the law, which is unspeakably oppressive upon the poor. I think that Birkenhead contains illustrations of every species of the operation of the law, both for and against the retention of the power; otherwise I should not have referred to Birkenhead. A reference to other unions would be simply a reproduction of the circumstances of Birkenhead. The same facts you will find reproduced in all the other unions, with the exception of Chester. In Chester, the guardians practically disregard this law. When I say that they disregard it, they seek no protection from it. They say to the Irish, (it is well understood amongst them),

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"Circulate through all the parishes of this incorporation; we shall not take advantage of your having broken your residence by going from one parish to another." The result of their more liberal system is, that while in the neighbouring union of Birkenhead, one in four, or this year, I am afraid, it will one in three and a half, of the Irish population are paupers; in Chester, the Irish pauperism is but one in eight.

2381. Lord *Naas.*] Then the guardians of the Chester Incorporation consider it to be for their interest not to exert this power of removal?—They consider it to be for the general advantage of the country that it should be totally abolished; and they, of course, consider it to be for their own advantage.

2382. Sir *J. Trollope.*] Does not the number of Irish in Birkenhead far exceed that in Chester?—Absolutely it does; it exceeds it also very much in proportion.

2383. And the one being an ancient city and the other a new one, are there not great differences in their position. Has not Birkenhead created an immense demand for labour by the sudden introduction of capital, expended in building, and in docks, and in various ways, which have attracted large numbers of Irish? —There can be no doubt that the great public works undertaken in Birkenhead some few years ago, attracted enormous numbers of Irish labourers. There then came a sort of commercial hurricane over that town, which prostrated everything; and the condition of the Irish poor became like everything else; the labourer who was comparatively independent yesterday becoming a pauper to-day; and, naturally enough, the rate-payer sought to get rid of him.

2384. Then the position of the Irish poor in Chester and in Birkenhead is essentially different?—I do not think that for the purposes of this inquiry it can be considered as essentially different. I think the condition of the people is different, but the difference is, to some extent, to be traced to the operation of this irremovable law in Birkenhead, and to the fact of its being allowed to be almost a dead letter in Chester.

2385. Do the authorities of Birkenhead remove all the Irish that apply for relief, who have not been five years resident?—Not at all; when I state to the Committee that 6,000 Irish poor received relief in the year ending 25th of March 1854, and that only 29 were removed, it is obvious. Orders for removal were made for a considerable number more, but those orders were not carried into effect.

2386. Lord *Naas.*] You said that you had some cases of individual suffering; will you select one or two prominent cases?—I stated that I had received a statement that 29 Irish poor were removed from Birkenhead, and that out of the 29, 26 returned. I went down to Birkenhead for the purpose of making some more minute inquiry into the circumstances under which they had been removed, and under which they had returned. I have them before me, including all those that I could find. One of the cases was this: it was the case of a man named Terence M'Nally, his wife, Bridget, and five children; John, aged 11 years, born in Liverpool; James, aged 9 years, born in Liverpool; Mary, aged 6 years, born in Birkenhead; Michael, aged 5 years, born in Birkenhead; and Henry, aged 3 months. The woman's statement is this: "I remember being sent to Dublin, by order of the magistrates, about the 22d of July last; we were removed from Birkenhead by Mr. Gleave to Liverpool, and there shipped on board a steam-packet at the Clarence Dock for Dublin. About eleven o'clock on the same day we sailed, and arrived in Dublin about three o'clock on the following morning; we were allowed a sufficient quantity of provisions for the passage. On our landing at Dublin, we were obliged to wait on the street until the houses were open, and we then got our breakfast, I having had some money with me, which I received on the night before our unexpected removal, from a lady in Birkenhead, Miss Laird, for to pay my husband's fare to London, to an old master of his, who had promised to give him some light employment, as I thought I could support myself and the family if he could support himself." He was, by occupation, a French polisher. "The money would be about 1 *l.* 6 *s.*, which we had with us. After breakfast, we found that a packet would sail that same evening for Liverpool, we therefore returned by it, and remained there until I could again collect our little 'bits of things' from the different places to which they had been removed. We had left without any notice, and the neighbours took them, thinking we might not return. I got them all back again but a table. We returned as deck passengers, and paid 9 *s.* per head for our passages, but the place was very wretched as the night was wet, and we were on deck with the cattle. I have no friends or relatives in Ireland. My husband had been in a very weakly condition for a long time before our removal,

removal, and is not strong now; he is afflicted with palpitation of the heart, and is subject to fits. We earn something towards our living now by working at French polishing; my husband occasionally gets the polishing of a ship's cabin at the docks, and I assist him in doing the work. When he cannot get anything to do, I go out a charing where I can get it to do. We make but a very poor living by all; generally we get about two meals in the day of bread and tea (no butter or anything of that kind). This morning, neither me or the children have had anything, 'we have not tasted,' and do not expect to get anything before my husband returns; he has gone to his brothers in Liverpool since last night. I would be worse off in Ireland than I am here, however bad that may be. I do not know that I could be sent to prison if I were to apply for relief, but I would not for fear they should send me over there again. It was, as far as I can guess, about four o'clock in the afternoon when we were taken from our house by Mr. Sweeney, we were taken to 'the Coal-hole'" (the Bridewell of Birkenhead.) "We were shut up in a room with a flagged floor with benches all round. There was no bed in the room; there was another young girl, a stranger, locked up also; we were obliged to sit upon the benches all night; there was a fire in the room; we had some gruel and bread for supper, and the same for breakfast, and were removed about 11 o'clock next morning. I would willingly go into the workhouse here for the sake of my children, who have not enough to eat; my husband has not earned a penny this week, but we are afraid to apply for relief, for fear of being sent to prison." Now I can say from my own examination (I have made a memorandum at the foot of this case), that this woman and her family were absolutely in a state of starvation; it is impossible to imagine anything severer than the distress to which the fear of being removed to Ireland had reduced that woman; I mention the case as one of 100 illustrations I am sure, which I should be able to give by going though the cases of the cruel operation of the law upon the poor there. I may mention as another illustration to the same effect, that in the Wolverhampton union they are in the habit of examining the Irish residents within the workhouse as to whether they are removable or not; the clerk calls the whole of the poor down into the hall for the purpose of examining them. I should premise, that I do not believe that any paupers, English or Irish, would go into the workhouse at Wolverhampton unless they were reduced to an absolute state of destitution.

2387. Why?—I do not think they would submit to the privation, to the rigour and discipline of the workhouse, unless they were driven to it by destitution; I think if they could support themselves by any means out of the workhouse, they would not go into it.

2388. Mr. *Alexander Hastie.*] Is the discipline of the Wolverhampton workhouse different from that of others?—No; I speak generally of the discipline of the workhouses in my district; I am speaking of the efficiency of the workhouse test; and was referring to the Wolverhampton workhouse, inasmush as the following statement has been made to me. It is taken from the returns of the clerk and master of the workhouse. There were three removals of Irish pauper inmates of the workhouse made within the last three years. On the 4th of May 1852, 15 persons, men, women and children were removed to Ireland, and 48 persons left the workhouse at that time through fear of removal.

2389. Sir *J. Trollope.*] They discharged themselves?—They discharged themselves through fear of removal; on the 23d of November 10 persons were removed, and 30 left the workhouse through fear of being removed; on the 24th of July 1854 two were removed, and 22 left the workhouse from fear of removal. And amongst other information given to me by that officer, he states what I have not the slightest doubt is accurately stated, that many persons thus leaving the workhouse are from their appearance and statements most unlikely to maintain themselves, or to obtain assistance from friends. Now what becomes of these people? It is impossible to suppose that people who are by the operation of the law denied relief in that way, can do otherwise than become burthensome to the rates ultimately as paupers or immediately as beggars or thieves; that appears to me to be the conclusion deducible from the statements made before this Committee as to other places, and it is certainly the conclusion to which my mind arrives from my own experience of the operation of the Act in my own district.

2390. Lord *Naas.*] Are you of opinion that there is anything attractive in the English workhouse to an Irish pauper?—Certainly not; when I find that one

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out of twelve of the Irish, to whom the workhouse is offered, accepts it in Birkenhead, and that one out of four of the English to whom it is offered, accepts it; I cannot believe that the workhouse is more attractive to an Irish pauper than to an English pauper.

2391. In your opinion the offer of the workhouse is quite a sufficient test as a preventive of imposition, and of improper applications?—It is a perfectly sufficient test of destitution; the threat of removal is a severer test, and I am satisfied from what I have seen that the poor will submit to hardships, greater I am sure than it would ever enter into the contemplation of the Legislature to impose upon them, rather than submit to be removed to Ireland.

2392. Is it their feeling that if they are removed to Ireland, they lose all chance of being employed and supporting themselves hereafter by their industry?—Their dread arises from various causes; here is a list of removals which were made from Wolverhampton workhouse during the last year. The first case is that of a person who had been out of Ireland for 17 years. You may suppose what the feeling of a woman, 30 years of age, who had not been in Ireland for 17 years would be when put under removal.

Jovis, 3° die Maii, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. Maguire.
Sir John Trollope.	Mr. De Vere.
Mr. Ingham.	Lord Naas.
Mr. Dunlop.	Mr. Alexander Hastie.
Mr. Stirling.	Mr. Grogan.
Mr. Archibald Hastie.	Mr. Cheatham.
Sir Robert Ferguson.	Mr. Smollett.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Andrew Doyle, Esq., called in; and further Examined.

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2393. *Chairman.*] IS there any one of the answers which you made when you were last here to which you wish to revert, for the purpose of giving some explanation?—I wish to make a correction with respect to two answers. At No. 2363, I find I have inadvertently stated that of 29 Irish cases that were removed from Birkenhead to Ireland, 26 returned. I find the number is 23, and not 26. I also find that, at No. 2385, intending to speak of the whole Irish population of Birkenhead as 6,000, I spoke of the 6,000 as receiving relief; the total Irish population of Birkenhead is only 6,000; of that total number 1,441 only received relief during the period of which I spoke. Those are the two corrections which, if the Committee will permit me, I desire to make.

2394. Mr. *Grogan.*] On Monday last I asked you, in reference to the case of Birkenhead, whether it was, in your opinion, a strong case, or a fair average case, on which an opinion with regard to other parts of the country might be formed; the reasons why I wished to call your attention to the fact were, first, that Birkenhead was immediately opposite Ireland, and there was the facility of steam communication between the two countries, and also that there were enormous works in progress there, and which, I assumed, brought a large number of Irish labourers to the spot. Looking at those circumstances, I asked you whether your opinion, in reference to Birkenhead being such as you explained here the other day, *à fortiori*, the same arguments and the same conclusion could not with safety be applied with regard to other parts of the country; I understand you to say that the Irish resident population of Birkenhead may be taken as about 6,000?—Yes.

2395. And the average number of Irish paupers receiving relief there may be taken, as what?—The number of poor who received relief in the year ending 25th of March 1854 was about 1 in 4½, I think, of the Irish population; 1,441 is the total number of Irish paupers who received relief in the year out of 6,000.

2306. Out of that number of 1,441, the guardians of the union considered it necessary

necessary to remove 29 only in last year?—Out of that number the guardians absolutely removed 29; they considered it necessary to give directions that a considerable number more should be removed, but from various causes they were not removed. I have here the statements of some cases, which I took as illustrations; seven cases within one week, in which the guardians gave directions that the removals should take place, but the magistrates, upon examining the cases, considered the circumstances to be so hard, that in the exercise of their discretion they refused to make the orders, and they were not absolutely removed. The total number absolutely removed of the whole pauper population was 29.

2397. You also gave us an illustration of the absolute hardships endured by some of those pauper families who had been so removed?—I mentioned one case of many that I had heard of, and of some that I had spoken to; I gave the Committee, in illustration, the particulars of one case.

2398. I need not say that those illustrations, so given by you, were fair samples, and merely gave the grounds upon which your opinion was formed?—I can speak with considerable confidence, that I do not think that the case which I gave is any exaggeration of the hardship to a very great extent inflicted upon the poor by what I stated, and what I consider to be the denial of relief, to which the operation of this Act amounts.

2399. Then, if I understand it, the purport of your evidence practically amounts to this, that the district over which you are inspector contains, with regard to England generally, the greatest amount of Irish pauper inhabitants, perhaps, of any part of England?—By no means; the Irish pauper population of my district is considerable, but by no means so considerable as the pauper population of the district of one of my colleagues, Mr. Farnall for instance, who has the Yorkshire and Lancashire district; I apprehend that the Irish pauper population of Lancashire and of that district would be very much larger than the pauper population of my district.

2400. Then the manufacturing districts in Lancashire are not in your charge?—No; I stated that my district only included Cheshire, Staffordshire, Shropshire, a portion of Derbyshire, and the whole of North Wales; not Lancashire, or any portion of Yorkshire.

2401. Wolverhampton is in your charge?—Yes.

2402. In the incorporated union of Chester, is it the case that the magistrates do not consider the power of removal of Irish paupers necessary?—In the incorporation of Chester the guardians discussed the subject at great length, and they came to a resolution, which perhaps the Committee will permit me to read; they adopted the following resolution: "That the compulsory removal of persons chargeable to parishes in England, who were born in Scotland or Ireland, or the Isle of Man, or Scilly, or Jersey, or Guernsey, and who have not become legally settled in England, to the country of their birth, is inequitable and unjust to the necessitous poor; and its abolition would be not only a great boon, but an act of equitable legislation in favour of the indigent portion of our fellow-subjects, who, not being of English birth, are now subject to that provision of the law." That is the resolution which was adopted unanimously by the guardians of the Chester Incorporation; and in the discussion which took place upon that resolution being proposed, the operation of the Act in Chester appeared to be that, practically, the directors of the Chester Incorporation do not avail themselves of what in other unions is considered the benefit of the Act.

2403. Is it not the case that practically also the Guardians of the Birkenhead Union have not availed themselves of the benefit of the Act?—If I said that practically they had not, the answer I am afraid would scarcely convey a correct impression of what the fact is; though they may not remove absolutely any number, yet the fact that they are ready to remove is constantly operating upon the minds of the removable poor, and so far they may be considered as availing themselves of the Act. In Chester I do not believe that that impression does prevail, because the Chester guardians seldom have recourse to it; they rely upon the operation of the workhouse test, and upon putting the Common Lodging Houses Act into force in their incorporation, the effect of which has been most beneficial in bringing down the population of particular districts to a reasonable limit; they also rely upon the operation of the police of the city; they find that the operation of these causes is sufficient to protect them from any undue pressure of Irish

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pauperism, and although the Irish population of Chester bears about the same proportion, or very nearly the same proportion, to the whole population of Chester that the Irish population of Birkenhead does to the whole union, the Irish pauperism of Chester is but about one in eight, and in Birkenhead it is one in four-and-a-half. This year it will be considerably more, probably one in three or one in three-and-a-half, owing to particular circumstances this year; partly to the frost.

2404. Of course, from your official position, you are brought into tolerably intimate knowledge with the class of people of whom the Irish pauper population consists, and their habits; do you consider that the class to which I refer come to England with the view of earning their bread by mendicancy, or by their labour?—I think the operation of the Irremovable Act has a direct tendency to invite that class of people over to this country; and it would appear that the immigration of Irish, so far from diminishing, according to the evidence given from Liverpool, is upon the increase; that what is called "the residue" of the Irish population may be taken at something like (averaging over a number of years), from 12,000 to 18,000 a year. I find that in Liverpool about 90, if not more than 90 per cent. of those who are removed back to Ireland, have been chargeable for a less period than 12 months. That leads me to form a very strong opinion that there must be a considerable vagrant class immigrating from Ireland into England.

2405. If a period of industrial residence, say, of 12 months, or any other period, were established, do you consider then that the operation of an irremovable law would then be prejudicial to the union?—My impression is, that if you were to diminish the period of residence from five years to one, without extending the area, the effect would be rather injurious than beneficial.

2406. You mean by an extension of the area an industrial residence within the union, and not in a particular parish?—Yes.

2407. Mr. *Archibald Hastie.*] Do the Irish coming into Liverpool or into Birkenhead find ready employment there?—In Birkenhead at times they do find very ready employment; the labouring classes who come to seek employment are brought there by the demand for labour.

2408. It is the inducement of labour that brings them to Birkenhead?—I think so generally.

2409. What wages do they receive generally?—Those who are in employment may earn from 2*s.* to 3*s.* and 3*s.* 6*d.* a day.

2410. How do those who do not find employment live?—They live very much by vagrancy; their mode of life has been described by a very competent witness before this Committee, namely, the relieving officer of the Birkenhead district, Mr. M'Nerney. I have had a statement furnished to me to the same effect. This is a statement with respect to the condition of Birkenhead, which I think will answer the question which has been put to me, and what appears to me to be implied in that question. "Great numbers of Irish poor come from Ireland to Birkenhead by way of Liverpool throughout the year. They procure lodgings in five streets, where the houses are wholly occupied by Irish. In one street there are 27 houses let by the owners to 57 persons who sublet to 45 men, 57 women and 66 children, together 168 persons, in addition to families of the tenants, numbering 75 men, 78 women and 120 children, making a total of 441 persons in 27 houses of 6 rooms, 9 feet square each. The total number of lodgers in five streets at the present time" (this statement was drawn up in June 1854)" is 683, supported solely by acts of vagrancy and contributing largely to the support of the lodging-house keepers and their families, numbering 734 individuals, together 1,387 having no regular industrial residence. During the last year 1,441 persons of this class were relieved for longer or shorter periods; 674 have been offered the house, and 106 ordered to be removed to Ireland" (that is to say, not that orders were taken out, but that directions were given to have them removed), "giving a total of 2,221 destitute persons applying for relief out of an Irish population of 6,078 persons, according to the census of 1851." I cannot give a fuller or a more satisfactory answer, I think, to the question put to me than is contained in that statement.

2411. You cannot give an answer to the question from your own knowledge, but simply from the evidence given before this Committee?—A certain portion of the evidence given by me and by any person in my position, must be evidence for which one is dependent upon the officers from whom the returns are received;

I cannot

I cannot say, of my own knowledge, that 1,441 persons were relieved; I can only speak from the returns made to me by the officers of the union.

2412. *Chairman.*] I suppose you have no reason to distrust the evidence given by M'Nerney upon this subject?—None whatever.

2413. Mr. *Archibald Hastie.*] You have stated, that one great means of preventing the people coming ultimately upon the Poor-law, would be to put a stop to vagrancy?—Yes.

2414. In what way would you propose putting a stop to vagrancy?—By the arrest and punishment of every person guilty of an act of vagrancy.

2415. Do not you think that that would be much harsher towards the Irish than the mode in which the law is at present carried out?—I do not think it would be; I think the effect would be more beneficial to punish vagrancy than to encourage it.

2416. You are aware that there is a vagrant law in existence now, are you not?—I am aware that there is a vagrant law, but I see from the evidence given before this Committee from England and Scotland that the vagrant law is suffered to be a dead letter; that is the effect of the evidence given with respect to the two countries.

2417. Are the Committee to understand that it is your opinion that it would be a milder mode of providing for the destitute Irish, by putting in force the vagrant law against them, than the present mode adopted?—By no means; I do not say it would be a milder means of administering the Poor-law or of providing for the Irish, to punish them as vagrants; but I am asked by what means I would check pauperism, and I say, I would check it by the means provided by the law for checking it. I would enforce the vagrant law, and I would enforce the workhouse test. Those being the means provided by the Legislature for checking imposture, I would have recourse to them, and I think the effect would be in many places within my knowledge, in Birkenhead, for example, very much to diminish the class of pauperism with which the guardians of those unions have now to deal.

2418. Do you think that enforcing the Vagrant Act would be less harsh or less cruel to the Irish?—That is a question which it is difficult for me to answer; if the question implies that it is more merciful to punish than to prevent, I am not prepared to say so; I merely repeat my statement, that I think it is better to have recourse to the means which the law has provided for the suppression of vagrancy than to encourage it by permission, as is done at present.

2419. Are you not aware that the enforcement of the vagrant law would be much more severe than the manner in which the poor are at present treated as respects England, Ireland, and Scotland?—Perhaps you will permit me to answer that question by reference to a state of facts within the knowledge, I doubt not, of most of the Members of this Committee, namely, that in the years 1846, 1847, and I think 1848, the pressure of vagrancy, as a particular form of pauperism in this country, elicited complaints from almost every union in England; it was then an evil of the most formidable magnitude. The then President of the Poor Law Board, the late Mr. Buller, issued a notice to Boards of Guardians, and the directions of the Poor Law Board led to the adoption of more stringent means for the purpose of meeting that evil. Generally throughout the whole country the vagrant law, from being a dead letter, was enforced, and in the workhouses where relief was given a strict test was applied. I made a return to the Poor Law Board myself of the effect of that system in my district, and I have seen the reports of the inspectors of other districts, and from an evil, as I have stated, of immense magnitude, the vagrancy diminished in several unions as much as 80 per cent.; and it may now almost be said to have disappeared from the unions as a form of pauperism. There is, practically speaking, almost no vagrancy now in my district, whereas at that time a very large proportion of the pauperism was vagrancy. That I give as an illustration of the effect of having recourse to the means which are provided for the suppression of vagrancy.

2420. As your attention was drawn to that order of Mr. Buller at the time, did you examine what the proportion of Irish vagrancy was to English?—I did in some unions; I am not at this moment prepared to state what it was; it was very large in some unions; it was much less than might have been supposed throughout the district; but in some particular unions it was very considerable.

2421. *Chairman.*] Were not your return and the returns of the other gentlemen associated with you in the inquiry, printed as Parliamentary Papers?—The

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return was addressed to the Poor Law Board, and printed as a part of the Appendix.

2422. It was laid before Parliament?—Yes.

2423. Do you remember the year?—The regulation was issued in 1848, and I think the report was made in 1851; I shall have no difficulty in furnishing a copy of it to the Committee, and of the other reports which are in my possession also.

2424. Mr. *Archibald Hastie.*] You have stated that in the Chester district they have come to a determination on no account to remove?—If I stated that they had come to a determination on no account to remove, I did not state accurately what was the fact; they have not come to a resolution on no account to remove, because removals do take place from the Chester Incorporation, but what I stated was, that the guardians of the Chester Incorporation do not avail themselves of what is considered in other unions to be the advantage of this Act, that is to say, they do not, through the operation of this Act, pen up the Irish population or any part of the population at all in one parish; they allow them to move from one parish to another; and because a man becomes destitute at a particular time, having broken a residence of 10 or 15 years by removal from parish A to parish B, they do not take advantage of that circumstance to remove him to Ireland; that is known amongst the poor themselves, and they have, in consequence, less hesitation in moving from one parish to another, in seeking better residences, and in dispersing themselves where their labour is more required; in truth, no one can examine, as I have done personally, the quarter of the town in which they reside in Chester and the quarter of the town in which the Irish reside in Birkenhead, without being struck with the very marked contrast between the condition of the poor in the one town and in the other.

2425. Then are the Committee to understand that the sole object in the migration of the poor from one part to another is, on the one hand, to obtain a settlement by industrial residence; and, on the other, not to lose it?—The poor cannot obtain a settlement by migration from one parish to another; they do not obtain a settlement by industrial residence at all. Therefore, inasmuch as they cannot obtain that object, I presume it would not be their object.

2426. The Chester Union do not remove, except in extreme cases?—That is so.

2427. And thereby a great number of poor are induced to go there, in order to obtain a settlement?—I beg pardon, I did not say that, nor do I think my answer conveyed that. I do not think that that fact invites a greater number into Chester, but I stated that the more liberal system adopted by the guardians of the Chester Incorporation leads to a dispersion of the Irish population over a greater number of parishes. That was what I intended to convey by my answer, and not that the system invites large numbers of the Irish to Chester. In fact, the system has a directly repelling effect. The system is to enforce the vagrant law, and when application is made for relief, to offer the workhouse, and also to prevent the accumulation of large numbers of people in the lodging-houses, by the enforcement of the Common Lodging-houses Act. That system, without the terror of removal, produces in Chester all the advantage which it is supposed may be derived from the operation of the Poor Removal Act in other places.

2428. What is the population of Chester?—The population of Chester is rather more, I think, than 30,000.

2429. What is the proportion of the Irish to the 30,000?—The Irish population of Chester is about 3,400 or 3,500, including women and children.

2430. What is the pauperism?—I stated that the number of Irish paupers was about one in eight of the Irish population; that is to say, about 400 of the Irish population receive relief within the year.

2431. And in Birkenhead it is one in four and a half?—It was one in four and a half for the year ending 25th March 1854.

2432. You think that if the power of removal was taken from them at Birkenhead, the number would decrease?—The abolition of the power of removal implies liberty to disperse; and what I seek to convey to the Committee by my answer is, that I find certain circumstances producing a certain result in Chester; and that if you have recourse to the same system under the same circumstances, in Birkenhead, the same result will be produced; but a totally different system is adopted there, with a totally different result; and in Liverpool the same.

2433. Are

2433. Are you aware that in several of the districts, as well as Chester, the removability is not enforced?—It may be that the removability is not enforced; there are very few orders of removal enforced; but the effect of the Act is not to be looked for in the number of removals, but in the effect upon the people of the knowledge that that Act is there to be enforced. The real effect of the Act is the effect which is produced upon the minds of the people.

2434. Then the Committee are to understand that the existence of the power of removal forces the party either to become a vagrant, or to seek industrial employment?—Either to become a vagrant, or as it has been stated by many witnesses here, and as the criminal statistics of Liverpool, I think, conclusively prove, to become a thief or to seek industrial employment; but, as I have stated before, I think that for the purpose of inducing any man to earn his bread by industry, if he can earn it, the workhouse test is a sufficient test; I find it to be practically so as a general rule in the unions within my district, and I think it is as severe a test as ought to be sanctioned.

2435. The object of these tests and the object of the parties dealing with the poor is, as far as possible, that the man shall by his own industry obtain a livelihood?—No doubt that is the object of the administration of the Poor-law.

2436. And one of the tests is, that of the removability of parties not having a settlement?—That appears to me to be a total misapprehension of the object with which the power of removal was given at all; I say it with very great respect, but it occurs to my mind that it is a complete misapprehension of the object with which a test is imposed. I think it would be a perversion of the object of a Poor-law to apply a test which goes further than ascertaining whether the person who applies for relief is absolutely destitute or can earn his bread. If you have a test severe enough to satisfy you that the applicant is destitute, and that being destitute, he has exhausted every means of supporting himself, I do not think in justice or policy you ought to go further by imposing a test which I have said, and I adhere to my opinion, amounts to an absolute prohibition of relief in many cases.

2437. Is not that test practically enforced in this way: a pauper comes and asks for relief; he states that he is totally destitute, and that he is starving; from the knowledge of the parties having the charge of administering relief, they think that he is idle, and that he does not take sufficient means to go and inquire and obtain work in order that he may live, and they tell him to go into the workhouse; if he is an Englishman, and has no settlement in the parish, they send him to the parish to which he belongs; if he is an Irishman they adopt the same practice; they send him to the country to which he belongs, having no settlement here?—I am aware that that is the practice.

2438. What hardship is there in applying that test?—I can only repeat over and over again, what I consider to be the dreadful hardship of it; I have seen so many illustrations of the hardship of it, that it would be impossible for me to reason myself into a different impression than that the hardship is very great.

2439. We know that the hardships of the poor are very great indeed, but you must take care in administering that relief, that you have a sufficient test that the man is not coming for relief when he might get employment?—You have that test in the workhouse.

2440. They bring him to the workhouse, and not having a settlement, that parish naturally sends him back to the parish in which he has a settlement, and where he ought to be maintained; the same law is applied to the Irish?—The question appears to me to be confounding two things, if I may say so with all respect.

2441. Is not the same law applied to the Irish?—I think not.

2442. Will you state why?—In the first place I think there is a confounding of two things in the mode, I will not say in which the question is put, but in which the case is stated; there is a confounding of the application of a test and the finding the place of chargeability; a man is not removed for the purpose of enforcing a test, he is removed to his parish because it has been considered more equitable that that parish should bear the burden of his maintenance; it is not that it is considered that the sending a man from one parish to another, though it may be incidentally an effect of it, operates as a test; he is removed from one parish to another, simply because it is considered that the parish of his settlement should more equitably bear the cost of his maintenance.

2443. Do you find in your experience that paupers generally speaking are very

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provident and careful people?—If they were the numbers would be very much fewer than they are; pauperism is an effect very much of improvidence; of course no person can suppose that paupers as a class are provident.

2444. Then you would recommend the best means of inducing those people who are improvident to become provident?—Certainly.

2445. Have you any mode to prescribe better than the one existing?—None; there is no test which I should think would be more efficacious than the workhouse test, if properly administered.

2446. Do you find, in your experience, paupers of every description very truthful in their statements?—I find a great many cases of want of truth in the statement made by paupers.

2447. In short, that certain classes of them who are idle, and who are improvident, will state their grievances with a degree of want of truth, so that it requires a great deal of discrimination in the party hearing them to decide as to whether they should or should not be relieved?—No doubt.

2448. Is it not, in some degree, to check those impositions that the workhouse test and the removability are maintained?—That is so with respect to the workhouse test; but I repeat that I think it is misapprehending the object of the power of removal to suppose that it was ever intended to be a test of destitution.

2449. In the unions with which you are connected, of what age may the people generally be who are in the workhouse?—By far the largest class of the inmates of the workhouses are aged and infirm; there was a month in the last year when there were certainly not 20 able-bodied men in the workhouses in the whole of my district; there were able-bodied women, mothers of illegitimate children, but there was no able-bodied pauperism to speak of. There was a great demand for labour, wages were high, and there was a state of general prosperity. Excepting in crises of trade or commerce, able-bodied pauperism is very slight indeed in the workhouses. The workhouse test is perfectly sufficient in keeping down able-bodied pauperism of every class and every country where it is applied.

2450. Supposing that able-bodied men had been in full employment for six months, and it happened that they were discharged; if a large class of those people who had been so employed came, within two days or three days of being discharged, having previously made capital wages, saying that they were in utter distress and that they wanted relief in the workhouse, would you say that it was a charity to relieve those people?—No; as a question of charity, I should not consider it at all; but simply a question whether they were entitled to relief. The simple question is, Are the men destitute? being destitute, I apply the test which is provided by the law in all these cases; relief is administered in the workhouse to the whole of these cases.

2451. But you will see that their destitution has arisen from improvidence; would you treat that case precisely the same as you would that of parties who came from age, or from infirmity, or from disease, or from accident, over which they themselves had no control, and they having been previously out of employment for some time; would you treat the well employed person upon the same footing?—Certainly not; the law does not treat him upon the same footing; the Board of Guardians do not treat him upon the same footing; and I should be very sorry that he should be treated upon the same footing.

2452. If 1,500 or 2,000 of that class came suddenly upon any union or upon any parish to require relief, you would say that it showed a degree of improvidence which should not be encouraged, and not relieved to any extent?—I have had occasion to say so to more than one Board of Guardians within the last six months, upon precisely the state of circumstances which you describe.

2453. Can you state how that arose?—It arose from a stoppage of work in Stoke-upon-Trent; it arose from a stoppage of work in Macclesfield; it arose from a general stagnation in the mining districts of Staffordshire.

2454. What had been the wages earned by those people previously?—I have known, not of my own personal knowledge, but still relying upon information given me by officers connected with the union, and whose information I have no reason to doubt, that the income of many families who applied within a month of their being out of employment, was as much as 2 *l.* to 3 *l.* a week.

2455. Is it your opinion that the facility of getting relief in such cases does not induce an improvidence on the part of the labouring classes?—There can be no doubt

doubt that the facility of getting relief is the most direct encouragement to improvidence.

2456. Then you would recommend that relief to all parties applying should be given with due consideration of how they had been previously employed?—These are circumstances which Boards of Guardians no doubt take into consideration; if at a Board of Guardians, A. B. makes application for relief, the circumstances of that particular case are very properly taken into consideration in deciding it. The law restricts the authority of guardians within certain limits, but within those limits the circumstances of the case are of course taken into consideration and dealt with with more or less leniency, according as the circumstances appear to the guardians to justify that course.

2457. In a parish where a great number of those people have been permanently employed for six months, and are thrown idle by circumstances over which they have no control, but who within a couple or three days afterwards come upon the parish, they not having acquired a settlement, do you think that the ratepayers would not feel it due to themselves to get rid of them as quickly as possible?—I have no doubt that the ratepayers would feel it due to themselves to get rid of the burthen, without inquiring into the justice or injustice of its imposition, the moment it was felt; their object would be simply to get rid of it.

2458. Then you think that there is no injustice on the part of a pauper who claims relief, he having received good wages for six months, but having spent them improvidently and coming upon the ratepayers because he has been improvident?—I have said nothing, I think, which implies, as it would appear to me, so extravagant a statement as that; I do not think any such thing.

2459. Are the Committee to understand that you think removability has little or no effect in deterring people from applying for relief?—I have said directly the reverse; that it has an effect amounting to a prohibition of relief, and as such it has a deterring effect.

2460. That prohibition of relief tends to impress upon the mind of the applicant that he must go and search for labour, in order that he may get wages to obtain a livelihood?—If you will allow me to answer that question by a reference to a fact which is within the knowledge of the Committee, it will convey my own opinion more strongly than I could convey it merely by an expression of opinion. The year before this Irremovable Act, which is now in operation in Liverpool, was passed, the amount expended per week in relief to Irish poor, there was 70*l.* odd; it diminished after the passing of this Act to something like 90*l.* a week; that was the statement made. Crime rose just in what might be considered the same proportion. According to the statement put in before the Committee, the number of persons summarily convicted was about 3,000 the year before, including English and Irish, and the number of Irish alone who were convicted in the year after amounted to about 5,000; I have the numbers here. That I think proves, as conclusively as such figures can, that the effect is, that if you repel them without giving them relief, you drive them necessarily to crime; the statement is made by the witnesses who have been examined before this Committee that that is the fact. The statement has been made to me by officers upon whose veracity I can rely, in my own district; I have no doubt of the fact that the effect of it is to drive people to the commission of crime, and also to vagrancy, in order to support themselves.

2461. What proportion of that crime was English, and what proportion was Irish?—A very large proportion of it was Irish; the greater proportion of it.

2462. Do not you think, that when crime increases upon a destitution of that sort, it is very natural for the people to endeavour to get rid of it?—They first create it, and then do not get rid of it. If the denial of relief was the cause of it, I should rather avoid producing it. My answer assumes that the crime is the effect of the refusal of relief.

2463. Lord *Naas*.] Do you think it would be possible for the guardians to lay down as a rule, that they should make a difference between the relief given to provident and to improvident persons?—Totally impossible; guardians are sitting, not as administrators of charity, but simply to inquire into and relieve the destitution of the applicant; they may and do generally inquire into the circumstances out of which that destitution has arisen, and they very properly give every weight to the character and the particular circumstances of the case.

2464. In the administration of relief, destitution is the principal thing which the guardians have to decide upon?—They cannot refuse relief to any person

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who is destitute; the form in which the relief is given is very frequently, when the law permits it, determined by the character and the circumstances of the applicant.

2465. And though the facility of obtaining relief may, in certain cases, induce improvidence, yet it cannot be an argument against the Poor-law administration altogether?—Certainly not; when I referred just now to the facility of getting relief, I did not intend to imply that the fact that every man who is destitute can get relief is what can be called a facility of relief; nor did I understand that to be the meaning of Mr. Hastie in putting the question to me.

2466. Do you not think that the difference between the Irish and the English law as regards the law of settlement, makes a very considerable difference between the hardship of removing an Irish pauper and the hardship of removing an English pauper?—I cannot at this moment see what effect the difference between the Irish law and the English law has upon the hardship. The fact that one person has been out of Ireland for 18 or 20 years, and is removed back there, and that another is only removed from one parish in England to another, does make a very great difference I think. The first case upon the list in my hand, and to which I referred when I had last the honour of being before the Committee, is the case of a woman who had been 17 years out of Ireland. It would be a very different thing to remove a man to a parish in England from which he had been absent several years; there would be less hardship in it.

2467. Do not you think that the hardship would be greater to a man removed from a town in England to a town in Ireland, with which he had no connexion, than to an English pauper who was removed to his own house?—I have just said so.

2468. Mr. *Maguire*.] Is it not within your experience, that the work in which Irish labourers are generally employed is rather of an uncertain character?—It is; they undertake all the rough, laborious, and pioneering work in the great works which are undertaken in England.

2469. It frequently happens, that from no fault of their own the Irish are not constantly employed, even though they are good workmen?—There can be no doubt of it; there cannot be a stronger illustration than the case of Birkenhead, where great numbers are attracted to the town by the making of docks and large public works, and from the cessation of these works at different times they are thrown absolutely out of employment.

2470. Therefore you, I should say, would not venture to assume, that because a poor man applies for relief in a short time after the suspension of the work upon which he has previously been employed, he has been improvident?—Not necessarily improvident; it would depend very much upon the circumstances, namely, whether he had been in receipt of good wages and the cost of living was not very high.

2471. I believe the families of Irish labourers are generally very large, more numerous than English and Scotch families?—No doubt; I think, taking the number of cases of Irish removed, and comparing it with the number of persons, it would give an average larger than the average of English families.

2472. Taking the fact that the employment is incontinuous, and also the fact that the Irish families are rather more numerous than the English and Scotch, are you to assume, that when an Irishman applies for relief, immediately after the suspension of the work on which he has been engaged, he has therefore been necessarily improvident?—Not necessarily; certainly not.

2473. Would not the want of continuance of work, and the largeness of his family, rather account in some way for the immediate nature of his application?—To a certain extent they would.

2474. You are very strongly in favour of doing away with the law of removal altogether, so far as regards both countries?—Yes.

2475. I suppose you have a desire that the law should be applied equally to both countries; that the Irishman should have the benefit of the same law as the Englishman?—Yes; I should, as a rule, if it were practicable, give to an Irish pauper the same relief in Ireland that he would get in England; and if that could be done, I believe there would not be a murmur amongst English ratepayers at the abolition of this power.

2476. You stated to the Committee that you think that the workhouse test is perfectly sufficient for all objects?—I think it is a sufficient test of destitution.

2477. You quoted Mr. M'Nerney's evidence, or some tables which he put before the Committee some time since, stating that 674 Irish paupers were offered the workhouse: if I mistake not, Mr. M'Nerney said that a very large number of those refused the workhouse?—Yes; I can give the Committee the numbers.

2478. Is it within your experience that the Irish are rather averse to accepting in-door relief?—Certainly; I think they are very averse to it.

2479. Do you think that they have a stronger indisposition to receive that kind of relief than the English?—I think they have. I stated before to the Committee that one in four of the English, to whom the workhouse was offered in the Wirral Union, in which Birkenhead is, accepted it, and one in twelve of the Irish.

2480. How many workhouses have you within your district?—Sixty-eight, I think.

2481. Is the dietary, generally, in those workhouses, on a liberal scale?—Yes, generally very liberal.

2482. Does the liberality of that scale of dietary offer such an attraction as would counteract the natural unwillingness of the Irish to accept that mode of relief?—I do not think it does. My impression is, that it does not here, and that it would not in Ireland.

2483. Would you say that it does not offer any substantial attraction to the Irish?—Certainly.

2484. That you are quite sure about; your experience is so extended in point of area and time, that you can distinctly give that answer to the Committee?—I give it as my own conviction; it is the conviction of my own mind that the fact is so.

2485. Are you under the apprehension that the liberality of the dietaries in England would induce any very large number of the Irish people to come over here for the sole purpose of obtaining it?—No.

2486. Would such a statement be at all justified by the experience which you have had?—My impression is, that that apprehension would be perfectly chimerical.

2487. You said that the law of removal acted as a practical prohibition of relief, do you find that the strict carrying out of that law is a great injury to the health of the poor; must not that be natural consequence. If a poor man in a state of destitution applies to a parish for relief, and he finds that this law is in strict force there, and he is practically refused that relief, must he not, then, if he cannot find work immediately, endure all manner of privation rather than accept that relief?—The fact I believe to be practically so.

2488. Must not the necessary consequence be, that if the man cannot get employment, and cannot obtain relief without penalty, he must endure great privation, or break this law in order to supply himself with the necessaries of life?—I believe that that is the result.

2489. Do you also find that it induces disease in certain instances, that people, rather than be sent over to Ireland, endure privation, and live in a state of the greatest misery, which induces disease and squalor?—Necessarily the condition to which they are reduced must induce disease; that is a necessary consequence of it.

2490. Do you find the Irish generally as anxious and willing to work as the other class of people?—I think so, when they can get it.

2491. I believe you find that they are as anxious to obtain work, and to undertake any kind of employment, however repulsive it may be to the Englishman or the Scotchman?—I think it is impossible to see them employed, and the occupations in which they are engaged, without coming to that conclusion.

2492. Are you of opinion that the labour of the Irish is a great element of English prosperity?—Those who are much better qualified than I can be to give an opinion upon the subject, have declared here and elsewhere that it is so; there can be no doubt of the fact, that it is of vital importance to the industry of this country.

2493. Mr. *De Vere.*] You have spoken of the effect of unrelieved pauperism as likely to produce crime?—Yes.

2494. Have you considered at all the effect, in an economic point of view, of crime as producing expense?—I should think if you convert a pauper into a criminal, he must be a more expensive subject to deal with as a criminal than as a pauper.

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2495. And you think that the crime which would follow from unrelieved pauperism is actually more expensive than the cost of relieving the pauper in the first instance?—Undoubtedly; if you look at it merely as a question of pounds, shillings and pence, leaving all other considerations out of the question.

2496. Can you at all state, or even approximate the proportion of Irish immigrants coming to England for the purpose of seeking relief, as compared with the number of those who come to seek employment?—No; there are no facts within my knowledge which would enable me to distinguish between the classes; but considerable numbers may be supposed to come, invited over by the great facility which is given to go back again. An Irish pauper who is disposed to seek his fortune in this country has the strongest temptation to come over, inasmuch as the town of Liverpool is liberal enough to supply him with his passage back again.

2497. I believe you are aware that the workhouse dietary in Ireland is very low, as compared with that of England?—It has been stated to me by those who have been inmates of the workhouses, and I have copies of the dietaries of the Irish workhouses, which leave no doubt upon my mind that it is not only very much below it, but very much below what would be tolerated in a workhouse in this country.

2498. Are you aware at what time that dietary was framed, and what were the circumstances?—I am not; I have no personal or official knowledge upon the subject; it was at a time, perhaps, when it was necessary to impose a much severer workhouse test than it might be found necessary to do now.

2499. And at a time when the circumstances of the labouring population were much inferior to what they are at present?—I conclude that it is so, though, as as I have said, I have no knowledge upon the subject.

2500. You are aware that there has been a considerable rise in wages, and a consequent improvement in the condition of the labouring population of Ireland?—I have seen statements to that effect; but I have heard statements which lead me to doubt, I am sorry to say, that it is true to the extent which has been alleged. Last year the line of communication happened to be changed from the route by Liverpool to Holyhead, and the greater number of Irish labourers came by way of Holyhead instead of Liverpool. I had occasion to see vast numbers of them; I conversed with many groups of them; and with the man who is known, I think, as the gangmaster, who provides a certain number of labourers for particular employers in this country; and from the statements made to me by them of the terms on which they came over to this country, I can scarcely believe that if employment is to be found in Ireland, upon the conditions which have been stated before this Committee, such vast numbers would be found willing to come over at the amount of wages which they can earn in the agricultural districts of England.

2501. I believe there can be no doubt that some proportion, however small it may be, of the Irish immigrants to England do come for the purpose of receiving relief?—I have no doubt there is a proportion; though I should be very sorry to assume that the number stated last year, what was called in the evidence "a residue" of 18,000 Irish, coming into Liverpool, could be unaccounted for; that the whole, or a very considerable proportion of them became paupers. I should suppose that a very large proportion were absorbed in the labouring classes of this country.

2502. With regard to the residue who may come over for the purpose of seeking relief, and not of seeking employment, would they not be rather tempted to do so in consequence of the lowness of the dietary in the Irish workhouses?—I think the parsimony of the relief in Ireland would operate as a very strong inducement to Irish poor to leave that country.

2503. That might form one element, and a very strong element, of inducement to them to come over and to become a burthen here?—No doubt, and it appears to me to be the only element which is seriously considered by many of the ratepayers whom I have heard discussing this subject. The form in which they put it is, that the scale of relief in Ireland is so low that it drives the poor into this country, and that it is inequitable that they should be subjected to the cost of maintaining those poor who ought, if destitute, to be relieved at home, and if able-bodied, ought to have employment found for them at home.

2504. I think you stated, in the course of your evidence, that it is your opinion that the removal of Irish paupers is a personal hardship, and acts oppressively

sively towards those persons who are removed?—I have no doubt whatever upon the subject; I have a statement of the number of removals made, and I have statements which were made to me, within the last two days, of numbers of people who leave one of the workhouses in my district rather than be removed, and there can be no doubt from the statement of these cases, that the operation is most unjust towards these people.

2505. Are you aware that the poor in Ireland have no voice in framing this dietary; that it is framed partly by the Boards of Guardians and partly under the authority of the Poor Law Commissioners?—I have no doubt whatever that they have no voice in it.

2506. Then is not the effect of the whole system this, that a considerable amount of oppression and hardship is inflicted upon a body of men who have been induced to come here by a state of the law for which they are in no degree answerable?—That may be an inference deduced by you from the statement which I have made.

2507. Would you have any objection to give to the Committee some of those instances which you have just mentioned of persons who have left the workhouse?—Here is one; it is the woman's own statement, and the Committee must take it as she gave it; the statement is in her own words; it is of a woman named Margaret Dyer, and she makes her statement to this effect: "I am a native of the county of Cavan, and was brought up in Wilkinstone, county of Westmeath, Ireland, and I was married in the parish of Kilmainham in the same county when I was 24 years old; my husband, John Dyer, was about 19 years of age, and was employed as a servant boy; I was a servant girl myself, and we had plenty until the year of the failure of the potatoe crop; we then went into the workhouse with five children; my husband could not remain in it, as we only got for food one quart of India meal porridge (sometimes oatmeal) for breakfast; then (about four o'clock) for dinner we got about ten ounces of bread and about half a pint of soup; we got no supper at all; I was at the workhouse for nearly one year, and in all that time I never ate half a pound of butchers' meat, and what I did eat was boiled in the soup; I never saw the colour of meat in it; we all came out of the house; but, as my husband went away, I was obliged to return to it, and three of my children died while I was there; one of my children was in a house about seven miles off, and he died there when he was ten years of age; I saw him once after I went in, but I never saw him again dead or alive; I went in with five children, and the three youngest died; I am certain that the food given in the workhouse is not sufficient; I would not go into any workhouse; I got the heart scald in Ireland"—that was her expression—"I lost my health, and that's what is coming against me now; sometimes they would give us the Indian meal unground; they would put it into a pot to boil (with a little soda to soften it) about four o'clock, and it remained there until the afternoon of the following day, then we got it mixed with soup; we could not live on it; sure we were dead on it; at last I was obliged to run out of the workhouse; the name of the workhouse is Coutill, county Cavan, I think." That is the statement of one of the persons in Birkenhead, who was in the workhouse; I have the dietaries of some Irish workhouses which, to a certain extent, confirm the statement.

2508. Did you make any inquiries as to whether that statement was true or not?—I had no means of ascertaining it except from the woman's own statement. I premised the reading of the statement, by asking the Committee to accept it for what it was worth.

2509. Mr. *Cheetham.*] You stated that the proportion of Irish pauperism in Birkenhead is one in four and a half?—It was one in four and a half in the year 1854; it will be considerably more in the present year.

2510. And in Chester one in eight?—About one in eight.

2511. Both taken at the same date?—Yes.

2512. Can you account for this difference in two districts so closely connected?—I endeavoured to account for it by calling the attention of the Committee to the different systems adopted in the two places. To a considerable extent I think that does account for it, though allowance of course must be made for the different circumstances of the town of Birkenhead and the city of Chester; but I think, making a reasonable deduction for the difference of the places, still the proportion of pauperism would be found to be very much less in Chester, owing to the difference of the system, than in Birkenhead.

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2513. Is not Birkenhead and its locality in the same position as Liverpool, for the reception of Irish immigrants?—It is very much in the same position.

2514. That may in some degree, account for this fact?—Yes, to some extent, no doubt it does.

2515. I understood you to say that at Birkenhead they exercise this power of removal, and at Chester they do not exercise it?—Not precisely so; I stated that in Birkenhead the test of the terror of removal operated; that if a man broke his residence and applied for relief, it was understood that he was liable to be removed, and if he received relief, would be removed. If a man broke his residence in Chester by going from one parish to another, I stated that the guardians would not take advantage of that breach of residence to effect his removal; and the impression amongst the poor there is, that they are more liberally dealt with than in other parts, and that there is less difficulty in their moving from one place to another.

2516. Ought not the natural consequence of that state of things to be, that in Birkenhead, appalled by the threat held over them, there would be less pauperism?—The test is effective down to a certain point; when you have brought a poor man to a certain degree of poverty you cannot bring him below that, and he necessarily becomes a pauper.

2517. With regard to the locality of Chester, is it not a fact, that within the last few years a considerable increase of that town has gone on in the extension of the railways in its immediate vicinity, there having been a considerable amount of employment?—Yes, to a certain extent; but from its very position the increase of Irish paupers is not so great as at Birkenhead, the latter place being more attractive to them.

2518. Would that alone account for the fact?—I think not alone; I do not wish to say that the difference between one in eight and one in four is wholly to be ascribed to the difference of the system, but to a considerable extent it does so operate, I think.

2519. You stated to the Committee, that in your opinion the workhouse test would be a sufficient power to keep down unnecessary applications for relief by the Irish poor, without the threat of removal?—I think so.

2520. Would you add to that any stringency in the mode of entering the house by a test of labour?—A test of labour in the workhouse is part of the workhouse discipline to an able-bodied pauper.

2521. Is that universal in your district?—Yes, it is prescribed by the workhouse regulations, and carried out with more or less strictness in different unions.

2522. You stated on a previous occasion when we met, that if there was no power of removal the labour which was redundant in our district would remove to another where it could be more available; you thought that that would be the natural effect?—I have no doubt of it; that is my impression.

2523. Would that be the case in times of exceeding pressure in the manufacturing district; during some stagnation of trade, how would you then meet the increased pressure of the Irish poor in those districts?—I should be unable to prescribe any means of dealing legislatively with such exigencies. The object of legislation upon the subject, I presume, would be to provide for the ordinary course of things, and if a stagnation of trade or any sudden crisis occurred in a particular district, I think you would have a much greater protection against the effect of it if the whole labour market of the country was open, and no inducement was held out to the poor to remain in that particular district. If they were not tied to it by the inducement of endeavouring to perpetuate their irremovability, I think you would in that way obtain considerable relief. They might disperse, and men hearing of employment in other places would have no motive to remain where they were.

2524. Take the case of 1848 and 1849 as regards Liverpool; as the result of the famine in Ireland an extraordinary number of immigrants came over to that port from Ireland; I suppose you admit that the pressure upon the ratepayers in Liverpool was rather unfair?—No doubt.

2525. Upon your principle of non-removal being carried out, would you recommend that the assistance of the Legislature should be called in on those occasions to any place so situated, in order to meet that exceptional pressure?—I would not invoke the interference of the Legislature to meet special circumstances like that.

2526. Then would you not, in fact, leave the ratepayers of that district without

out remedy?—I could prescribe no remedy consistently with the views which I entertain for circumstances of that exceptional character.

2527. Mr. *Alexander Hastie.*] I will read to you an opinion expressed to us by a witness upon the day when you were here last, and I will ask you what is your opinion with regard to it. Mr. Ingham states that the power of removal makes the Irish who come over to this country bestir themselves and look out for work, and exert themselves in a manner which they certainly would not do if that power did not exist; are you of the same opinion, or otherwise?—That is an opinion which has been expressed by many witnesses before this Committee, and I should be of the same opinion if I did not think that the workhouse test was a sufficient inducement; by that means you arrive at the same end.

2528. Then you think that the workhouse test would be equally efficient with this idea of Mr. Ingham?—I think so.

2529. On the last day when you were here you spoke of the privation which parties had to undergo in the workhouse; you said that they had to submit to the privation, to the rigour, and to the discipline of the workhouse; to what privation did you refer in that answer?—The privation of their liberty, to begin with; the necessity of observing certain rules, which must be irksome to people who have been in the habit of leading a life of labour out of doors; the whole of the rules and discipline of a workhouse; I cannot conceive but that anybody who is familiar with what these regulations are, must know very well that they must be felt to be rigorous and severe to any person going into a workhouse, excepting the aged, and the infirm, and the sick.

2530. I understand the principle of a workhouse to be that they are regularly fed, and are obliged to go to bed at stated hours; do you consider that that is a privation?—Not if food and sleep are the two objects for which people live; they are obliged to labour, and the labour is monotonous; it is unattractive; it has none of the inducements which sweeten labour to men out of doors; the life is a life which I do not think any man who could earn his bread out of doors would endure for three consecutive months unless utterly demoralized.

2531. What is the kind of labour?—It varies in different places; it is stone breaking in some, it is picking oakum in others, it is grinding corn in others, and pumping and various sorts of labour, which are prescribed according to the circumstances of each particular district.

2532. Is not that very much the same kind of labour as the Irish labourers are accustomed to out of doors?—The answer is, that people will rather endure a great deal of privation out of doors than submit to it.

2533. You have also stated that there are various causes which inspire them with dread of being removed to Ireland?—Yes.

2534. Will you state a few of those causes?—I probably cannot state them better than they are stated to me in a communication made to me by a very intelligent officer of one of the unions in my district; he states, "Some of the most frequently alleged causes for such fear and reluctance to be removed are: 1st. Alleged inferiority of the Irish workhouses: 2d. All their relatives and friends having left Ireland: 3d. Separation from relatives and friends in town and neighbourhood: 4th. Their extreme poverty becoming known to their friends in Ireland if in their own parish union workhouse: 5. In cases of women with illegitimate children, the knowledge of their bad conduct to relatives and friends, and separation from putative father of child: 6th. In cases of women deserted by husbands, being sent home without husband and consequently less means of obtaining clue to his whereabouts: 7th. In cases of long imprisonment of husband, the inability of wife to travel so far to visit him at the periods permitted." I dare say these motives to a greater or less extent, do operate to make up the fear and the indisposition of the poor to be removed.

2535. Can you state the per-centage of Irish pauperism in the other districts with which you are connected, as well as the per-centages which you have already stated, as regards Birkenhead and Chester?—Not so fully as of Birkenhead; I have stated the pauperism and the per-centage of pauperism of Chester. I can state it as to other unions; in the case of Wolverhampton, for example, I think I can state it to the Committee. The English population of Wolverhampton may be taken as at 51,000, and the Irish as at 9,000; the total number of paupers relieved in the present year in the workhouse of Wolverhampton are: English, 1833; and Irish, 490.

2536. What is the per-centage to the population?—Of the English it would be

be one in 30; and of the Irish it would be rather less than one in 20. If it was desired that I should furnish the Committee with the same details with respect to every other union, I could have no difficulty in doing so. The two or three unions which appeared to me to be the more striking illustrations of the operation of the Act I have referred to in detail, namely, Wirral, Wolverhampton, and Chester; I think they may be taken as fair illustrations of both sides of the question.

2537. I think you have stated that you are of opinion that a residence of one year would be a protection, to some extent, to the English ratepayer?—I qualified the assent to that question by stating that it would be so if it was accompanied by an extension of the area; if unaccompanied by an extension of the area, I apprehend that, so far from being a protection, it would be rather the reverse.

2538. Would a residence of two years, and also extending the area, be a greater protection?—If the area were extended so as to enable the labour, which is confined to some particular district by the fear of breaking the residence to disperse, I think it would be so.

2539. How far would you propose to extend the area?—Of course in reading over the evidence given before this Committee, I cannot have avoided considering the proposals which have been made, and the difficulties appear to me to be really so great in extending the area beyond a union, that I think it would be impossible if you extended the area beyond a union to get evidence of residence. Within a union probably you might get evidence of the residence having been accomplished; if it were extended beyond that, I think that your means of getting evidence upon the subject would fail.

2540. Then you would confine the extension of the area to the union?—Yes, if it were to be preserved at all.

2541. The question has been put to you whether the same mode of granting relief was adhered to with regard to the provident as to the improvident; that is so?—I said that practically Boards of Guardians never failed to take into consideration the circumstances of each case brought before them, and that although the law could not pretend to classify paupers into provident and improvident, Boards of Guardians, in the exercise of their discretion, did practically deal with the cases upon their merits.

2542. Is there any case within your knowledge of a provident and hardworking Irish family being removed from the district over which you are inspector?—I am not prepared to say that I have inquired into the habits and conditions of any families removed, but upon the face of removals which have taken place there can be no doubt whatever of the extreme hardship of them, without any reference whatever to the providence or improvidence of the persons removed. The very first case which I stated to the Committee, the last day that I had the honour of being before them, was the case of a woman who had been 17 years out of Ireland; Ann Bryan, aged 30, a widow; in the same list there are others; one case of nine years, another 15 years; I think those are cases of obvious hardship to remove those people back to Ireland; it is hard to them and inequitable to the places to which they are removed, as it seems to me.

2543. Supposing an Irishman to have lived for five years in England without receiving relief from the workhouse, but that at the same time it was well known that he had committed acts of vagrancy or mendicancy, would that man effect a settlement, not having applied for parish relief?—No, he would not effect a settlement, he would certainly be entitled to irremovability.

2544. Mr. *Dunlop.*] Then the commission of acts of vagrancy during those five years does not prevent the irremovabilty accruing?—Nothing but a breach of residence. The receipt of relief would be deducted from the period of residence. There must be a period of residence of five years without relief, and a continuous residence in one parish.

2545. Mr. *Alexander Hastie.*] Are the Committee to understand, that when you say that the power of removing English poor should be abolished, and that it should also be extended to the Irish, do you mean that the power of removal from parish to parish in England should be abolished, or the power of removal from England to Ireland?—Both the power of removal from parish to parish with respect to the English poor, and the power of removing from England to Ireland, with respect to the Irish poor.

2546. I think we hardly understand yet the system pursued by the Chester Incorporation. They have not, as I understand, given up their power to remove.

In

In the resolution which you read, did they resolve that they would no longer remove?—No; in point of fact removals do take place from the Chester Incorporation. What I wish to convey to the Committee is, that the fear of removal does not operate in Chester upon the poor, because the power of removing is not had recourse to in Chester as it is in other places. That was all that I wished to convey to the Committee with respect to the Chester Incorporation.

2547. *Chairman.*] Do you concur with the other Poor Law Inspectors who have been examined, in the opinion that it would be impossible to introduce into this country that system of exclusively in-door relief which prevails in Ireland?—It would be totally impossible, I should say.

2548. Are you also of opinion that it would be totally impossible to introduce in the workhouses here, that system of dietary which they have in Ireland?—Totally impossible.

2549. Would you recommend that an attempt should be made in England to approximate to the Irish system, in either of those two points?—Certainly not; what I would venture to say is, that I should be much more disposed to recommend an approximation in Ireland to the English system.

2550. Have you any reason to believe, from anything which you have heard, that there is any disposition or likelihood to approximate in Ireland to the English system?—I am afraid not.

George Coode, Esq., called in; and Examined.

2551. *Chairman.*] I BELIEVE you are a member of the English bar?—I am.

2552. Did you fill the office of Assistant Secretary to the Poor Law Commission in this country?—I did.

2553. For what period?—From the commencement of the Poor Law Commission in 1834 till the year 1847 or 1848, I am not sure which.

2554. Even before the commencement of the Commission in 1834, I believe you had been engaged in some of the Preliminary Inquiries for the purpose of obtaining information?—Yes; but not as an official inquirer. I had myself made my inquiries independently; I contributed some evidence to one of the most active of the Assistant Commissioners, and I also assisted in preparing the evidence within the office for the composition of the Report upon which the Poor Law Amendment Act was eventually founded.

2555. I believe you wrote in one of the Reviews upon the subject of a settlement in Ireland?—I did so. In, I think, 1832 and 1833 there was a very considerable agitation of the question of the propriety of adopting some means to repress what was called the invasion of Irish labourers, Irish tramps and vagrants, into England. One of the plans advocated was a law of settlement for Ireland. In that controversy I took part in the Press, and I think it was in 1833 or 1834 that I wrote in the Westminster Review an article opposing that plan, and which had a very considerable effect as I was told, and in fact induced the editor of one of the papers, the Globe, who had been amongst the advocates of a law of settlement in Ireland, to change his views and to cease to advocate it any longer.

2556. Were you also in communication with official persons at the time when the present Poor-law for Ireland was introduced with reference to this very point of a settlement for Ireland?—Yes, the measure itself was I believe very largely founded upon my advice. There was a prevalent opinion on the part of some of the members of the then Government that a law of settlement should be introduced into a Poor-law for Ireland; many members of the Government were strongly of that opinion; and I was called upon to write papers, which satisfied the members of the Government, as I was told by Lord Morpeth, then the Irish Secretary, that it would be a very injudicious thing to introduce a law of settlement into Ireland. I received the especial thanks of Lord Morpeth, speaking on behalf of the other members of the Government for the papers which I contributed upon that occasion.

2357. I believe you were one of the gentlemen applied to by Mr. Charles Buller when President of the Poor-law Board, for the purpose of preparing reports on the subject of the operation of the Laws of Settlement and Removal in this country?—I was.

2558. That is, as regards removal from parish to parish in England and Wales?—Yes;

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—Yes; but I had occasion to make a somewhat larger examination of the subject. I put together the results of my former experience into a report, and amongst other things, though it was not referred to me specially, I included the question of Irish removal. That report has been printed and circulated to both Houses of Parliament.

2559. I believe you arrived at the conclusion, that it would be safe and advantageous to take away the power of removal of the Irish as well as of the English?—I came to that conclusion, and I stated that conclusion and my general reasons for it in that report. I retain the same opinion still.

2560. Is there anything which you would wish to suggest to the Committee, which is not suggested there in the way of precaution against special emergencies if they arose?—I retain the view which I expressed in my report, that there is in truth no danger to be apprehended from abolishing without reservation the present law for removing the Irish and the Scotch, and the other paupers who are not natives of England. At the same time, I cannot but perceive that there exists a strong opinion the other way, and that great doubt was entertained as to the effects of abolishing the law of removal, and it appears to me that a course might be adopted which would satisfy those who entertain those fears upon the subject, and which would meet the emergencies they appear to apprehend.

2561. What would you suggest?—I would suggest that an Act be framed to accompany the law which should abolish the law of removal of the Irish, and which might be brought into operation whenever the emergency arose which would require to be dealt with. The Act to be brought into force by order of Her Majesty in Council.

2562. Do you mean that certain provisions would be called into operation by a proclamation of the Queen in Council?—Yes. The Act would be to this effect; that on its coming into operation in any ports to be named in the Order in Council, it should not be lawful to land any persons from any ship coming from the places named, without their being first viewed by an officer of the port. The Order might prescribe that it should apply to all classes of poor, or to certain classes, only as to women and children, or what not; but that the officer should require, as to all such persons as appeared to be likely to become chargeable, that security should be given that they should not become chargeable any where in Great Britain, within some time to be named in the Act, say six months or 12 months; that upon that, either the master of the ship giving security should become liable if they became chargeable during the time named, or it should be incumbent upon him, not giving such security, to carry the persons back to the place from which he had brought them. The effect I take it, would be this; First of all, the Act would only come into effect as and when the evil apprehended by those who dread the abolition of the law was really and experimentally found to exist. If no such evil as apprehended, did in fact exist, or if it was not so extensive as to make it desirable to bring the Act into operation, there would be no impediment whatever to the immigration of the Irish into England. If the Act did take effect, then the precautions would operate at the right place, namely, in Ireland; and before the people embarked, the owner of the ship would be careful how he took on board persons who would be likely to become a burthen to him; and, in fact, there would be a check operating at the time when the evil existed, not operating at other times, and operating, as I say, upon the very persons who would have the power themselves to prevent the apprehended evil. There would be some detailed provisions in the Act for the enforcement of the penalty of the security, which provisions, perhaps, it is not necessary to go into now. But I think the proposed measure would be a security proportionate to the evil apprehended. It would come into operation as the evil should be found to operate, and would not in any way interfere with the calculation of labour as the present law of removal does, or as any modification of it which I know of would do.

2563. Would you recommend, then, looking to the state of public opinion in this country, which you have adverted to, that any Act which should be passed for the purpose of taking away the power of removal should contain provisions of the kind which you have now mentioned?—I would prefer, for other reasons which are technical, and which are founded rather on considerations applicable to all Acts of Parliament, that, as this would be an Act only of occasional operation, it should not encumber any law of permanent operation; one would be a law of permanent operation, the other would be a law to be brought into operation only when the emergency arose; I would keep the latter as a separate Act merely for

for the convenience of the reading and the disencumbering of the permanent Act from merely temporary and occasional provisions which might never come into active use, and, if they did, would only operate locally, namely, at the port of disembarkation.

2564. But you would recommend that the two should proceed *pari passu*, and become enactments together?—Just so.

2565. Sir *J. Trollope.*] Then would you propose that no person should be permitted to embark from any port in Ireland without express permission from a person deputed to examine his fitness to leave his own country?—No, I would not propose that. I would propose to adopt exactly the course which is now very well known to all persons concerned with the passage of passengers to America; take New York, for instance. I would impose upon the master of the vessel exactly the same responsibility as there is now upon anybody who brings a poor foreigner here; the master or consignee of a vessel is now liable either to a penalty or to make good the expense (I forget which) in case a poor foreigner becomes chargeable here within six months after his landing. That imposes upon him a strong prudential reason why he should not take persons aboard, and land them here, who are likely to become so chargeable. That is, of course, exclusively applicable with regard to natives of other countries, to those who work ships, and the poorer class of people. In America the law referred to is applicable to this very class of Irish, who cause the chief apprehension of those who object to the abolition of the law of removal.

2566. Are you aware whether an Act of that kind is ever put in force against captains of ships in this country?—It is but a recent enactment in England; it was only first enacted last Session; it is in the temporary provisions of the Passengers Act, chapter 120 of the Acts of last Session.

2567. Since last Session, have you been aware of any case where the penalties have been put into operation?—No; I am only referring to it as a fair legislative precedent for such a provision as I recommend.

2568. Was there any such provision in the Statute Book of England before that time?—Not that I am aware of. It has been for at least 40 years the law of some of the seaboard states or ports of North America.

2569. With regard to this Act, would it be something equivalent to an Alien Act?—Not at all; there would be no right to remove the persons once landed; it would not make the Irish in England more aliens than they are now, or so much. It would simply provide for the case of persons coming to England who appeared to be unable to support themselves, and likely to become chargeable. It would be a preventive Act instead of our present Act, which is a retroactive one, operating after the evil has arisen, and which pretends to operate by way of cure, and really operates by way of penalty upon those who are removed. This would be chiefly a prevention of such persons coming here as appeared to be unlikely to obtain an independent living when they came here, and therefore likely to be removed in much more objectionable manner after the apprehended mischief was incurred.

2570. You mean it to be applicable to persons whose habits are those of vagrants or mendicants?—To those who presented the appearances of destitution. I would make it applicable to whatever class should be found on experience to become cumbersome to English unions. The mode of proceeding which I would suggest would be this: that upon its becoming known to the Poor Law Board, or generally known, that the Irish were coming over here in numbers more than were convenient, so as to become chargeable, whatever the class were, whether Irish labourers were sending over for their wives and children in too great numbers, or the infirm were coming over, or if it should even be found that persons capable of labour were coming over in too great numbers, the Order in Council will be framed accordingly, and it would enable the officer at the port to require a security as to any of that class, that they should not become chargeable within a time to be named.

2571. Supposing that persons did come who were of this objectionable class, upon whom would you levy the penalties; upon the officer at the port, or the captain of the ship which brought them over?—It should be the owners of the ship who should be liable, as under the Passengers Act of last Session, and as is the case in America, which I submit is an exceedingly appropriate example. It has there been in operation for many years; it is called into operation, as I understand, frequently, and is applicable to an evil exactly like that which is

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apprehended by persons who object to the abolition of the law of removal of the Irish.

2572. Then you would levy penalties upon the captains; but, at the same time, a totally different person would have the power of rejection of these parties?—No; I would make the security given by the captain of the ship to attach to the owners of the vessel; it is they who make the profit; it is they whose officer the captain of the ship in fact is; it is they who should exercise this caution in taking persons aboard who are likely to become chargeable to the country they are brought to.

2573. Do you consider that it would be practicable to trace back persons, who became subsequently chargeable in England, to the identical ship or ship's captain which had brought them over?—There seems to me no practical difficulty about that. Any person becoming chargeable would give such evidence, as he now does, as to where he came from; he would easily say by what ship he came, and at what port he arrived, and by whom he was examined, and at once identify himself and identify the security which was given.

2574. Do not you think that this would really have an effect upon the free circulation of labour?—It would have an effect proportionate, as it appears to me, to the apprehended evil as found by experience. What I desire to do is, to remove all the limits existing under the present law to a free circulation of labour. It is probable that there would be no occasion to interfere with labourers; it is probable that it would be only the infirm class, and women, children and others, not labourers; and I take it that it would apply to cases in which, from circumstances on the other side of the Channel, great numbers are induced to come here, who come, not so much probably in the hope of labour, but for other purposes, such as to get English relief, or to practice vagrancy or mendicancy here. But inasmuch as I do not think that the evil would ever be found such as to make it necessary to call the Act into operation, not being in operation it would not interfere at all. When called into operation it could be made to fit the evil which was found by actual experiment to be prevalent on the occasion.

2575. But in endeavouring to palliate one evil, do not you think that by your system you would create another?—I have not the least question that everything done in this way is in itself an evil; I think that every impediment which can possibly be imposed by legislation to the coming here of the Irish of any class is an evil, and I propose this which is in itself an evil, but as an evil incomparably less than the evils of the present system.

2576. Would you not by your system frequently prevent wives and children from joining their husbands and fathers, and infirm relatives from coming over to others who might be able to provide for them here?—It would be so; supposing it was found that that was an evil At present it is the fact, and I know it by my own experience to be now and then the case, that persons come here because the males of the families have secured their irremovability, or have prospects of more permanent employment here. I say that in that case it is the very thing which you seek to do by your present law, namely, to return these people back again, and by the prospect of their being returned, to create in them an apprehension which keeps them where they are. The present law is advocated as having a great deal of that same operation. I would, in place of it, propose a measure which should not operate constantly as the present law does, but which should operate on occasions if in fact the circumstances were found to be of such a kind as those apprehended by the persons who would maintain the present law; but if such circumtances did not, in fact, arise, would not operate at all.

2577. If there is an apprehension of being removed on the part of the Irish poor at the present time, has it not another effect upon them, namely, of stimulating them to maintain themselves by their own exertions, and not to throw themselves upon charity or upon public resources?—That is a very different question. The operation of the present law is not so much, I think, to stimulate them to obtain their living as to impose a penalty upon them in case they are not able to obtain their living. I have seen none of the operation of a stimulus; I have seen the law operating as a forfeiture of the condition which a man has acquired by coming here, working here, remaining here probably a long time, and acquiring an industrial position, all of which is to be forfeited in case he accepts the relief which the law rather hypocritically, under these circumstances, pretends to provide for him. The law very falsely in the case of any removable person,

person, pretends to provide him relief for his destitution, and to affix only certain conditions to it; for in the case of his being removable, it affixes also the forfeiture of his industrial position. Of course, it is a most unequal law; the denial of relief is not fairly a condition of relief. The present law may prevent men demanding relief when they are entitled to it according to the theory of the law; but it seems to me that it is just as operative to create habits of vagrancy and crime as it is to promote habits of industry. Before parties apply for relief the supposition must be, that the means of industry have failed them, and the apprehension of a removal involving a forfeiture of all those advantages which they may have obtained by great exertions and great sacrifices, is superadded as a motive to induce them to abstain from seeking relief.

2578. In your opinion, is not anything approaching to the passport system of the Continent, or the Alien Act, which formerly existed here with regard to foreigners, altogether repugnant to the feelings of the English people, who witness with dislike any check upon the free circulation of the people of these kingdoms, wherever they think fit to go?—The people of England would surely be very inconsistent if they affected to dislike any interference with a free circulation, and yet kept up the law of removal, which operates upon every Irishman who comes here, and who thus, I apprehend, proves his desire to move, and acts upon that desire to move. Nothing can be more inconsistent than a pretence on the part of the people of England that they object to impediments in the way of the free circulation of labour, while they keep up the law of settlement and removal. There is nothing of the passport system in what I am speaking of; there is no need of getting a pass here; there is nothing like the operation of the Alien Act; there is no removal of the person back. But it would meet such a state of things as is often referred to in discussions of the question, and has been often referred to in the course of the evidence given here, of strong motives operating upon large numbers of the Irish people to come over here to seek English relief. These are dangers which have been adverted to; they are not apprehended by myself, but because they are so apprehended by others, I suggest this to the Committee as a means of exactly hitting the mischief to the extent to which it may ever be found to exist, and not introducing a power such as the present law of settlement, which is much larger than the evil to be cured by it.

2579. Have you given your attention to the returns which have been presented for several years since your connexion ceased with the Poor-law Board, as to the gradually decreasing number of Irish removals which take place?—Yes; I suppose I have seen all the returns made upon that subject, and am pretty well acquainted with the matter so far as papers can acquaint one.

2580. Have you not also observed that the condition of the Irish in their own county has become annually less hard, because the resources of their own country have been greater, and the inducements to stay at home have been enlarged in consequence?—I think there is little doubt about that, that the evil of the law is less and less every year; still the amount of it is quite enough to make it worth while to consider whether it should not be altogether removed. The mischiefs are not said to be those which merely attend the fact of persons being here, but are also alleged (and I believe to some extent that it is true), to consist in this, that great numbers of Irish are constantly prevented from coming through apprehension of the operation of the law of removal upon them when they are here.

2581. Mr. *Dunlop.*] Would you give the officer of the port the absolute power of determining at his own discretion, all the individuals for whom he would demand security from the master of the vessel?—Yes; when you say, "at his own discretion" he would be an officer acting under instruction. He would judge from the appearances of the persons.

2582. You think that you might trust him finally and conclusively to decide that matter?—He would decide upon the propriety, according to appearances, of requiring some security before the people went ashore.

2583. Mr. *Archibald Hastie.*] You have stated, that you would remove all impediments preventing the Irish from coming here; what impediments now exist?—The impediments consist in the prospect of their being removed back again. The apprehension of removal back to Ireland makes it appear a labour which is likely to be without its advantages, and therefore, the passage is not attempted.

2584. Then, am I to understand that the knowledge by the Irish labourers

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that in case they meet with any misfortune in this country, they will be sent back, prevents a great many from coming?—I think that operation is greatly exaggerated. Generally speaking, I am pretty much convinced that those who would come under circumstances of the greatest impediment come now. I cannot say that universally, but there is not so very much to apprehend in the fear of the removal back of Irish persons who have become chargeable, as that they will not venture, under the strong temptation afforded by English wages to incur it, and I do therefore believe that most persons who contemplate coming here at all, come notwithstanding the present law of removal.

2585. Then, in fact, there is no impediment to the Irish, in whatever numbers, coming into this country at the present moment?—Not any very material impediment; I do not say none, but it does not operate very extensively I believe.

2586. Then when you stated that you wished to remove all impediments, it is not to be understood that there is any impediment at present existing upon any Irishman or Irishwoman coming into England at their pleasure?—The impediment I do not rate as a very large one. The operation of the law I take to be, as to the Irish, chiefly in its action in removing them back, and in preventing those who are the better class of Irish, namely, those who desire to remain here and to make use of their industry, from seeking relief and obtaining the relief, which is really their due.

2587. Is there any instance of any man or any woman of industrious habits being sent back?—There are innumerable instances. I should say by far the larger proportion of the instances are of industrious persons. It is true that a very large number of them seek to be removed back, and are removed back voluntarily. But unquestionably the larger number of the Irish who have been removed have come here for purposes of industry, and have been industrious persons after their fashion.

2588. In adopting this plan which you have proposed to the Committee, do you not think that it would place in the hands of individuals a far greater power of refusal of admission into this country than at present exists?—The Act would never operate unless it was found that persons were coming here in undue numbers; with respect to such as did come (who under the circumstances, I I think, would be very few indeed), the mere knowledge of the masters of ships that on arriving at Liverpool, or any other port, they might be called upon to give security that the persons they brought over should not become chargeable, would induce them not to take them up, unless they were persons who would indemnify them for the charge, or such persons as from their appearance would not become the objects of this security. It would operate in some cases as a denial to persons presenting themselves for a passage over to England. They would be judges of their own circumstances, and of the probability of their becoming chargeable or not. The better order of passengers, of course, would never be looked at as likely to become chargeable. It might (and that would be the worst hardship to be apprehended) hinder the members of a poor family from joining the head of the family in England; but the restraint by the Act would be but a temporary operation, and in that case undoubtedly would be a hard one; but I know no means of preventing the Irish from either coming here or remaining here, which does not involve hardships of that kind; and the present law of removal appears to me to involve incomparably greater hardships to an incomparably greater number of poor people.

2589. How are you to ascertain when they are coming in too great numbers?—It must be known to all the unions, to all those administering relief, that persons are coming here in greater numbers than usual, and are becoming chargeable. I take it to be exceedingly bad policy to view very minutely the numbers of the Irish who are becoming chargeable; but it would be—when by experience it was found that more than a reasonable number were becoming chargeable, whether upon a speculation over in Ireland to come here for the purpose of seeking English relief, or from any other cause—that this law would be brought into operation. It would be brought into operation always temporarily in the terms of the proclamation; it would expire at the end of six months or of 12 months, or of the time for which it was put into operation; the order bringing it into operation could be always revoked when there was no further occasion for it.

2590. What would be its working; for instance, the passage probably to Scotland might be 6 *d.* a head, and to all parts of England it would be 3 *s.* a head,

a head; then into Scotland the greater quantity would flow, and the Scotch would immediately say, "They are coming in too great excess;" how would you manage that?—I know no reason why the law of removal from Scotland should exist any more than the law of removal from England.

2591. The law of removal is one thing, and your plan is another. I want to see how the plan which you have offered to the Committee can be practically carried out, and I merely put the question to know whether, when there is a great accumulation to one part of the kingdom, you would at once say that Irish immigration was far beyond its wants and necessities, and bring your law into operation, when probably less than an adequate number would be coming from Ireland to England; how would you manage that part?—I see no reason why the order should not extend to any port in England or Scotland, and why, if the English ratepayer is to be protected at all, he is not to be protected against the charge incurred through the landing at a Scotch port, as well as through the landing at an English port. The port of Greenock or any other port in Scotland would be put into the order and brought under its operation, just as easily as an English port.

2592. How would you regulate your Act, because it might so happen that greater numbers might flock to one particular part of Britain than to another; that part to which the concourse was flocking would say that the emigration from Ireland was far too great, whereas probably into England, it was less than it had been for some years; how would you deal with the regulation in your Act to correct that?—I think I stated expressly, that the proposal went directly to enable Her Majesty in Council to determine the ports at which the Act was to be brought into operation, and that would appear to me to meet your question. If it were found that it was chiefly through the Scotch ports that the Irish came, the order might be made to apply only to them; though, I think, it would be found in practice, that if adopted at all it would be better to lay all the ports to which the Irish generally come under the operation of the Act.

2593. Then you would limit the freedom of Irish immigration to particular ports?—I would limit the freedom of Irish immigration in the cases of any districts, and as to any classes of persons as to which that immigration was found experimentally to be fraught with mischief, to England or Scotland.

2594. Do not you think that the emigration from Ireland is at present, and has hitherto been, as free as it possibly can be?—Yes. Indeed the English law of removal has undoubtedly operated to afford a bounty to Irish immigration; it has provided the parties with the means of return in a very costly way, and a way far preferable to the means of access to England. So far then from immigration being diminished, it has been stimulated by the English law of removal; I have no doubt about it.

2595. I will read to you an answer given before this Committee at No. 2162, in order that you may explain how you would meet such a case. The magistrate before whom the party came, put this question: "How do you get on; what caused you to come here?" and so forth. She said, "My husband died, he was a small farmer, and the neighbours then recommended me to come to England; they said that I should be able to get on a great deal better in England; that I should be able to maintain my children during the summer time, and that I could subsist on charity, or be taken into the workhouse during the winter"?—I think those are most excellent reasons why the woman should have come here; none better could be afforded, and there is no reason whatever, as it appears to me, why such a person should be prevented from coming, nor any just reason why we should return her back when she is here under such circumstances.

2596. Then, you think that any parish has a right to recommend a pauper who is chargeable to that parish to go and foist himself upon another parish?—By no means. A single parish should scarcely be considered, I think, in a question so national as this, extending so entirely, not to the industrious class alone, but to all classes of the community. I contemplate nothing by way of facility to a parish foisting the poor found within its boundaries upon another parish. I am misapprehended if I am taken to have suggested anything of the kind; it is the thing of all others on this subject, which I most deprecate, namely, the power of a parish to charge another parish, or in any way to interfere with the circulation of the persons who are there, and who desire to remain there, or to go elsewhere.

2597. Still you think that the case of the woman, which I have read to you,

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was one in which she ought to have done what she did, and that the parish upon which she became chargeable here, did an act of great injustice in sending her back to those who had recommended her to come?—Undoubtedly. I think that that parish would not have hesitated to taken the benefit of that woman's labour, and the labour of her family, if they could have laboured there prosperously and profitably; I am sure every farmer and every ratepayer of that parish would willingly have taken all the advantages which could have resulted from her coming there under such very laudable motives as those described; and I see no good reason why the parish, as the speculation of this poor woman was unfortunate, as she did not succeed in gaining the ends which she proposed to herself, should always win, should always secure themselves against every disadvantage, and turn a woman away whom they would very willingly have taken if she had been prosperous. If I may enlarge upon that a little further, I think that unfairness is the main characteristic of the whole of this parochial system, of the whole of the law of settlement and removal. In England and Scotland, and elsewhere, persons are willing to receive all the prosperous classes; they are willing to take the richest Irishmen and the most opulent landlords; they are willing to take all the intellect, all the enterprise, all the ability of every kind from Ireland; they never think of an absentee law, of a law of removal while the persons are beneficial. But the same parish which will submit to have its land drained, and submit to be cultivated, and submit to have pretty nearly the whole of its habitations built by Irish hands, insists immediately that the unfortunate Irishman is found to be no longer for a day, or a week, or a month a profitable subject, upon turning him back. It appears to me to be a characteristic of the law that it is thus unjust, that every parish in this country takes the very best of Irish ability, the very best of Irish wealth, the very best of Irish talent and enterprise, and yet rejects the poor man the first moment that he becomes unprofitable to itself; that is parochial liberality and justice. But taking it in a national and general point of view, and dismissing the mere feelings of a vestry seeking to make all and to save all, and to prevent the smallest amount of expense that it can avoid, I say that vestry policy is scarcely the policy which should govern the Legislature of a great and industrious country on such a subject as that which is under our attention.

2598. Do you of your own knowledge know of any industrious Irishman having been so treated, namely, sent away the moment he became chargeable?—Yes, of my own knowledge; I have known people who have been my own labourers, casual labourers, so returned; persons very valuable to myself, but who upon becoming chargeable have been immediately removed.

2599. How long continuously had they been employed?—I had one man not only a good labourer but skilled as a drainer, who must have been engaged in drainage for me during the favourable season of three years; he was occasionally employed in other things. He was removed, having been so imprudent as to let the people in the township where he lived, know that he had a wife and children, when in the course of a few months he would have effected his privilege of irremovability. It was a severe and long winter; he had sent his earnings to his family in Ireland; he was momentarily destitute, and the township gave him relief and removed him.

2600. The fact is, the man, although an industrious man with you, was concealing the fact that he had a wife and children?—He was a very industrious and a very meritorious man. As to his concealing the fact that he had a wife and children, I do not know; he had not his wife and children here, and it became a subject of alarm to the overseers of the township in which he lived when they found from the report of the other Irish there, that he had a wife and children, and that in fact they were coming here. The overseers gave him in the course of a long winter some relief, and removed him. I do not speak of that as a singular case. There have fallen within my own knowledge innumerable cases during my official experience, and a good many in my private experience, of Irish removed; and excepting I should say a small proportion of tramps and vagrants, the law of removal operates upon those who come here with a view to practice industry, whether they succeed in it or not. By far the greater number of the removals apply to those who have been either industrious in their own persons or are the families of industrious persons. That is my experience of the law of removal.

2601. You think it a very hard case that a man after a period of industrious labour,

labour, and who has not acquired a settlement, should be sent back to his own country?—Yes.

2602. He receives remuneration for his labour when he is here, does he not?—Yes.

2603. He receives far higher wages than he would get in his own country?—Yes.

2604. Mr. *Alexander Hastie.*] We have it in evidence before this Committee that both individuals and families have landed upon the quay at Liverpool, at Bristol, and at Glasgow, and have immediately committed acts of mendicancy; that they, in fact, came over to those various ports with no other purpose, so far as could be traced, but the purpose of vagrancy; what would you do with individuals in that position?—I would do with them as I would with the Duke of Devonshire or the Marquis of Landsdowne, or any great Irish landlord. I would take my chance of all that Ireland sent to me; I would supply the great and rich landlord with all that he asked, take his money, and treat him exactly as an English landlord. I would deal with any man of industry who came from Ireland exactly as if he were a person of that same industry here; and if I found a mendicant, a person of predatory or other bad habits, I would deal with him as beggar or mendicant, or vagrant or thief, exactly as if he were an Englishman; and I would undoubtedly arm every parish (which, however, I believe is sufficiently armed at present) with the means of dealing with every man of every class and every rank of life according to his rank of life, and according to his habits. There seems to me to be no more reason why we should remove an Irish beggar from Glasgow, or any port which the Honourable Member names, than why we should remove a settled man of a parish in England, because he was a vagrant, or a mendicant, or a thief there. Removal does not seem to be the means of dealing with those cases. There is no cure of the habits of a mendicant by removal; you merely transfer him to another place, where he may there practice his mendicancy; it is utterly futile as a means of preventing or curing the evil, it is merely a means of displacing the evil and laying it upon some other shoulders. I see no distinction which can be fairly made between the Irish and the English mendicant, and I see no reason why a parish in Scotland or elsewhere should take all the good that Ireland can send to it, and quarrel with every little bit of evil which comes with it. I think there is no question that, in any parish in England or Scotland, the preponderance of good which they derive from the Irish who come there, over the evil incurred by the bad classes of Irish which are occasionally found there, is so great, that I should hesitate to count the evil as one part in ten of the whole phenomenon.

2605. Following out your principle, might not this result arise; suppose that Liverpool was very much burthened with Irish pauperism, and perhaps very much burthened with pauperism of its own, might not Liverpool for the purpose of relieving itself send over its own paupers to Ireland, when it saw that Ireland sent over her paupers to Liverpool?—It would be certainly a losing game. Liverpool is Liverpool; it has numbers of Irish there, simply because it is Liverpool; that is to say, Liverpool is a place exceedingly attractive to all classes, rich and poor; Liverpool will always have Irish poor, Welsh poor, and English poor, and Irish beggars, Welsh beggars, and English beggars, and it will have thieves of all the three nations, and Liverpool will be an agreeable, profitable, and promising place of action for them, because it is so to all classes of persons whatever, rich or poor, industrious or idle, good or bad.

2606. With respect to the thieves and that unproductive class, of which, you as well as myself are aware that Liverpool possesses a good many, might Liverpool not send them to Ireland to get rid of them?—It would be labour in vain, inasmuch as that class would immediately be back at Liverpool, if Liverpool was its place of preference. Liverpool would do incomparably better to apply judiciously its laws of police, its vagrancy laws, and its various means of repression of disorder, and to apply the system of Poor-laws which it has in its hands, with a view to discriminate the claims, and the applications made to it for relief; Liverpool would do that incomparably cheaper and more effectually, and would really, as it were, kill off this vagrancy and this mendicancy by that means, which it would otherwise, by the operation suggested, only transfer for a day, and which it would have back immediately; or if it created a gap, and kept up its present lax administration, that gap would be supplied immediately, if not from Ireland, from other places. I take it that the whole of the phenomenon of Liverpool is complicated,

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but consists very mainly in this, that Liverpool allows itself to be a place of preferable resort, because of the laxity of its administration in dealing with all those objectionable classes; but it will not be by an emigration, effected at the expense of Liverpool into Ireland, that it can relieve itself permanently.

2607. Then, of course, to follow out your system, to repress vagrancy, I presume you would increase the quantity of prison accommodation in Liverpool to some extent?—It appears to me that the application of the law, with only its reasonable stringency, is the way to diminish the necessity of gaol accommodation. If Liverpool would fairly deal for a week with all the cases found in Liverpool, with judgment and yet with mercy, but in a systematic manner, and with the view of really carrying out the law, Liverpool would have comparatively few cases I believe to send to its gaols. I imagine that we increase very much the necessity of gaol accommodation, by encouraging, at their early stages, all those habits which eventually end by launching a man in a gaol, by encouraging pauperism and mendicancy in its various phases. I believe that the necessity of gaol accommodation is increased by the present laxity of administration, and therefore that the necessity would not be increased, but would be diminished, by a firm and a just administration of the law.

2608. Mr. *Maguire.*] If I rightly understand you, your plan is suggested, rather in deference to the alarm of English parishes, than on your own judgment; —Exactly. I think my plan is a mischief; I think every plan resorted to, to check the motion of the people of these countries is an evil. I propose mine only as a plan which might afford some satisfaction to persons who apprehend great danger of Irish immigration here, and as operating to check it if the danger were really found to exist.

2609. Which apprehension of danger, you yourself do not entertain?—No; my own personal conviction is that there would be no increase of Irish immigration into England. There is no effectual check at this moment upon Irish immigration, but there is a very cruel operation of the law upon those who have been here. The law at present operates most cruelly upon those who are most industrious.

2610. Supposing your idea is carried into a law, do you contemplate putting it in force only in a case of extreme emergency?—In the plan which I have proposed it would be a matter for the consideration of the Crown;—with such advice as the Crown can always have in these matters, whether the evil was of such an extensive kind as to require the law to be put in force, for instance, whether there was such a rush as there was in the year 1847, whether it was a thing to be dealt with as the immigration of the Irish during the last dearth. In such a case as that it would be a satisfaction probably to people to have something more effective than the present law of removal then proved to be, and something which would rather deal preventively, and check the numbers of Irish coming here, than attempting to deal with them when they were here by removing them.

2611. But it is only on the supposition that such a contingency may again arise that you deem it at all necessary to satisfy the alarm of those parishes which apprehend it?—Yes. I think that such a power lodged in the Crown would be exercised with intelligence and discernment; that the advisers of the Crown would not deal with the case of Mary this, or Bridget that; but with a large phenomenon operating extensively upon English society, and, in short, they would assure themselves that the evil was one which justified the bringing of a remedy, which itself was an evil, into operation.

2612. From your observation of the condition of Ireland since that period, the vast emigration from it, the operation of the Encumbered Estates Court, the improvement in wages, and the prospects of the country, which are now before it, do you yourself at all anticipate the recurrence of such a state of things as did happen in 1847 and 1848?—If exactly the same state of things were to recur as existed then, it would be minus one element, namely, the large population which was then there; there would be less to force over here; even if the dearth were to operate as cruelly as it did upon individuals, it would not be to be expected that the numbers which would come here would be anything like so great.

2613. Mr. *De Vere.*] Is it your opinion that the law of removal, which at present affects Irish paupers, has a tendency to produce that unsettled kind of labour which people complain of so much, by producing a conspiracy on the part of the persons in the district to which they come, to prevent their acquiring irremovability by fixed residence?—That effect very much depends upon the

powers

powers of the parish. In many places it would be absurd to conspire, because they could not conspire with effect; but undoubtedly the danger that persons may become irremovable, and so permanent charges, and the danger that persons, like the labouring Irish, whom I spoke of just now, may become chargeable, with all their families, will induce those who can influence their having lodgings or having employment in a place, to prevent their having such lodging and employment. It is not in every union that a conspiracy could be really brought to bear upon the Irish; but, so far as the law of irremovability is concerned, it undoubtedly does produce a strong motive to dislodge the Irish before they have effected their five years' residence. *G. Coode*, Esq. 3 May 1855.

2614. So far as it lay in the hands of the ratepayers and the employers of labour to execute that purpose, you think they would be likely to execute it? —Yes; so far as they felt the pinch of the rate, they would, and in fact they do, undoubtedly endeavour to prevent any person effecting his irremovability.

Lunæ, 7° die Maii, 1855.

MEMBERS PRESENT.

Mr. Baines.	Mr. Archibald Hastie.
Sir J. Trollope.	Sir Robert Ferguson.
Mr. Ingham.	Mr. Maguire.
Mr. Locke King.	Mr. De Vere.
Mr. Dunlop.	Mr. Alexander Hastie.
Mr. Stirling.	Mr. Grogan.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

George Coode, Esq., called in; and further Examined.

2615. Mr. *De Vere*.] ON the last day that you were examined, you were asked whether the Irish labourers in England were not paid for their labour? —Yes. *G. Coode*, Esq. 7 May 1855.

2616. Will you explain more fully than you did upon that occasion, whether you think that such payment deprives them of the claim of gratitude from the community for the labour which they have so bestowed?—I do not. They are undoubtedly in some sense paid for their labour; they are paid for the job which they do, or are paid during the time that they are employed; but it scarcely appears to me that that is full payment to an Irishman for his labour. The truth is, that the Irishman is not supported by the wages which he receives, while employed in England. He is employed probably upon a harvest job, at the wages that prevail in the district; but during the whole of the rest of the year, during which the English labourer is receiving wages, or, if he requires it, receiving relief, the Irish labourer is dependent upon his own resources, or dependent upon his own community. The question asked of me seems to me to imply this, that the payment for the job, the payment for the labour, deprives the labourer of the right to be relieved by the poor-rates; but if it were so settled it would apply equally to English labourers as to Irish. If it be true that the payment of the wages, the price of the job of work, disentitles an Irish labourer to be relieved, if he is afterwards found destitute, the same principle manifestly would apply to an English labourer, who is also paid for his labour when he gives his labour, and would disentitle him, upon the very same ground, to any relief whatever from the poor's-rates.

2617. Then part of the payment to which he is entitled is the right to relief? —Amongst the calculations which a labourer may justly make, is his ability to obtain relief. The calculation is undoubtedly made against him. The employers of labour unquestionably consider in England that a man is likely to be relieved and maintained during the winter or during the slack season; they make the calculation and he may make the calculation. The long and the short of the matter appears to me to be this; that the English labourer is, in fact, maintained through the year by the wages which he receives, or by the community. The

relief is complementary to the wages. The entire of what an English labourer receives from the community for his labour, involves, not only his maintenance for the whole of the year, but, in addition, the payment by some one or other of the whole of the cost of his production as a working machine. The English labourer may be said to be maintained in his infancy, maintained in his old age, maintained through the whole course of his existence by the rewards of his industry, or by the contributions of the community in which he lives. That is not at all the case with the Irish labourer who comes here. In his early years he is maintained by another community; he is brought to England in a working condition, an efficient working machine, and we pay him merely the wages, on the spot where he is found giving his labour. I say that the two states of the Irish labourer and of the labourer settled in England are not comparable; the Irish labourer is not maintained by his labour in the same sense in which the Englishman is maintained by his labour. Another consideration is, that the Irishman has to travel to the place where he finds his labour. All the expense of coming from Ireland here; all the interval during which he is seeking employment, and, as I have before said, all the rest of the year during which he is probably unprofitably employed or less profitably in Ireland; all those things are left out of consideration when we employ the Irish labourer here. We merely give him a week's wages or a day's wages for a week's or a day's work, and we do not give him a year's wages or a year's maintenance for a year's work; we take him at the moment at which he is most profitable to ourselves, and we pay him the bare wages of his labour; we do not compensate him for any of the cost of producing himself, or the cost of others in producing him as an efficient working machine, and we do not compensate him for the cost of travelling, and altogether the Irishman is not compensated by the casual wages he receives for the occasional labour which he gives in England.

2618. You have stated that the Poor Removal Law tends to a denial of relief in case of pauperism which requires relief; have you considered what effect it has in producing crime?—I have considered it generally; I have not made any particular observations upon it; I cannot say that I have seen any person reduced by destitution to commit crime; but the general theory of our law is this, and our poor laws originated in this consideration, that men by being left destitute became desperate, and have the plea of absolute necessity for depredation. It was upon a consideration of that plea, as the preambles to all the early statutes antecedent to the 43d of Elizabeth show,—it was to take away from men that plea of absolute necessity, to prevent that degree of destitution which made them desperate, that the law of general relief was enacted. No doubt humane considerations had their share in it, but the professed considerations, and I believe the real political considerations, both for their origination, and for their subsequent maintenance, were those which I have mentioned, namely, the danger to society of making men absolutely destitute, and therefore desperate, and giving them an excuse for smaller offences, such as mendicancy and vagrancy, and the greater offences of stealing, and the worse consequences which ensue when once a man has entered upon a career of crime. I cannot doubt at all that the theory is a sound one; it is the theory which prevails not only in England but in every country that I know where poor-laws exist, or any provision for the poor is made.

2619. When a large portion of society becomes demoralised, are not the expenses which fall upon the ratepayers, both for the prevention and for the punishment of crime, very heavy?—Unquestionably. The costs of the police, so far as they are incurred from any such cause as this, are much greater in every case than the costs of any administration of a system of relief; but the cost of the criminal himself is many times greater, both while he remains at large and while he is confined. The cost of maintaining him as a criminal, and the cost of punishing him as a criminal, are incomparably greater than the cost of maintaining him as a pauper, even if he should be entirely maintained at the public expense. Of course a convicted criminal has to be maintained as a criminal entirely, for he cannot easily return to industrial occupation; whereas your pauper generally requires merely the temporary relief of his necessities. That particularly applies to the Irish as a class here, and, therefore, it would be a few days' maintenance as a pauper, against a life as a criminal. I hold that it is immensely to the disadvantage of the community that a person should be driven to a career of crime, particularly that children who are dependent upon labourers, should be driven to a career of crime, which is likely never to cease to be a career of crime,

through

through the parsimony of the law or the parsimony of the administration which would deny them relief, or impose such cruel and penal conditions upon the relief as the law of removal does.

2620. It has been stated before this Committee, that statistics prove that the condition of the settled poor is worse, both in its moral and physical state, than that of the unsettled poor; in your opinion, can it be fairly argued from this, that if the law of removal were altered, an injurious effect would be produced upon the character and condition of the labouring population generally?—I have examined that matter with some particularity in practice, and I am of opinion that there is no greater fallacy urged.

2621. I confine my question to the condition of the Irish labouring population in England?—The liability to removal operates as a forfeiture of the position in which an Irish labourer finds himself in any English parish, or in any Scotch district; and it is urged by many witnesses before this Committee that the apprehension of incurring that evil is a motive which will operate upon the Irish labourer, to make him abstain from relief, and a motive which they argue will operate in the same way, as they assert that the law of removal has operated upon English labourers; that the fear of being removed induces them to practise respectable, orderly, industrious and moral habits, which are not practised by settled paupers, not having the same motives. I know of no greater fallacy. All the persons whom I have found in this good, moral or industrial condition as being liable to removal, have been persons who being settled somewhere, have nevertheless had the enterprise, and felt that they had the skill, and that they had the qualities which would maintain them elsewhere. They are universally, so far as I know, an enterprising, industrious and superior class to the paupers who will not move from the places where they are settled. That they are industrious, enterprising, and moral in those places where they are liable to be removed, is certainly not a consequence of that liability to be removed, but is the distinctive characteristic of such persons wherever they are found. I take it that the Irish who come here are generally persons who, stimulated perhaps by very strong inducements to make a better living than in Ireland, are nevertheless the most enterprising class of Irish; it is the character of the 500,000 or 600,000 Irish who are in England, that they are persons who, under some inducement or other, are moved to come to a more prosperous community; we have not only amongst the labourers, but amongst the higher class of Irish, the very picking of the Irish community, and the fact that they are here, implies that they have the enterprise, and that they have the energy which brings them here. I do not think that the liability to removal has created any virtue in the English labourer, or any industry in the English labourer; and I have no belief whatever that the liability to removal creates any industry, or any valuable quality whatever in the Irish who find themselves here; and I say, that I know of no more plain fallacy than the argument which attributes to the law of removal the virtues of the people who are liable to be removed, because their enterprise has carried them into places from which they might by the law of removal be removed.

2622. Then, in fact, you argue that they are unsettled because they are active and industrious, and not that they are active and industrious because they are unsettled?—Precisely so.

2623. Will you have the goodness to state to the Committee what your opinion is as to the effect of the law of removal upon English society and industry in preventing the surplus labour of Ireland from coming to England?—First of all, I entertain no doubt at all of the great benefit of all the Irish labour, and, generally speaking, of all the contributions of Irish society to England. If there be any prevention of those Irish who would willingly come here, I believe that it is a mischief to this community so far as it does operate, but I disbelieve for the most part in its operation; I can see nothing in this law of removal which can operate very effectually to prevent Irish from coming here. So far as the law of removal is concerned, I think it is demonstrated in my report, and it is demonstrable at any time, that the law of removal is only a means of returning them, very comfortably in comparison, back to the place which they came from; and all the inconvenience which they incur is merely a trip, which is without the effect which they may have hoped to realise; but it is fraught with no such consequences as should greatly deter them from coming here. There is no reason in the law of removal why an Irish labourer should refrain from making an effort to get to England to find employment there, and to take his chance of prosperity

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in England; I think that they must miscalculate greatly, if it does induce any Irish, or any great number of Irish, to stay at home; but I am not in a condition to say, as a fact, whether it does or not prevent any Irish from coming here.

2624. When a migration of labour takes place from a locality of small capital and limited employment to one of larger capital and larger employment, what effect do you think it has in lowering or raising the wages in the locality to which the migration takes place?—In the condition supposed, it seems to me that it would raise wages and improve the rewards of industry in both places. The place of lower wages, and by the supposition of deteriorated value of industry, is a place which, being relieved of its superfluous labour, would afford a greater abundance of employment to each labourer remaining there; but the community into which he comes by the supposition that he is a profitable labourer there, and that he finds profitable employment there, is a community to which, when he has done his work, he will have returned something in excess of his wages which he has received from it, and that is an addition to the fund out of which not only himself in all times forward, but all other labourers, are to be employed and maintained. It appears to me to be beyond a question, that every Irish labourer who is here, who is productively employed, to say nothing of all the other class of Irish labourers who are likely to become paupers, that every labourer coming here and finding himself in productive employment, in effect gives to this community a profit upon his employment, which adds to the fund, and adds necessarily to the means of employment, and the means of reward of himself and all other labourers. I think it is unquestionable that the addition of every productive labourer to a community, is an addition to the rewards of industry in that community.

2625. Can you give any instances from your own observation and experience, as to the value of Irish labour?—Yes, I have been in the habit of observing the uses of Irish labour in England for 25 years constantly, and it appears to me that there is scarcely any great operation in which Irish labour does not serve, as it were, to rough-hew the prosperity which is to be derived from it. You ask me as to my own experience. I, some years ago, was engaged in a draining operation. The land drained was valued immediately before the operation by a very eminent valuer at 18*s.* per acre. It was in a part of the country where wages were 16*s.* a week, and there were absolutely no English labourers to be got to work at it, or whom it was desirable to employ to work at it, and the whole of the operation, except the superintendence by a Scotch bailiff, was carried out by Irish labour alone. Not a spit of ground, not a turf was turned, nothing was done but by Irish labour except the making of the tiles, and into that Irish labour entered largely. About 18 months after the land had been valued at 18*s.*, it was valued again at 45*s.* an acre. The additional 27*s.* was to be considered as an addition to the rateable value of the land, and, as I say, it was effected solely by the operation of Irish labour with some English capital. It was an improvement in the value of that land of 150*l.* upon the 100*l.* The operation went on in the same way. I made inquiry all through that county and the next county, as to all the moss drainage, and all the thorough drainage which was going on, and I found that it was pretty uniformly the case that Irishmen were employed in all the heavier work of the drainage. It was a part of my experience there that none of those Irish became chargeable in my neighbourhood; we were absolutely having an enormous creation of rent, which is always the fund out of which the poor are maintained, in that and the adjoining counties solely by Irish labour, which was scarcely a charge upon the poor-rates or upon that rent. It is notoriously the case, that in the other shape in which rent is produced, namely, rent from buildings, the more rude operations in the construction of all habitations, mills, wharves, docks and everything that produces rent, are mainly performed by Irish labour. All this may be said to produce the very fund out of which alone rates are paid. The maintenance of the poor is solely an affair of rent. My observation has been invariably this; that the Irish labourer contributes greatly even to the creation of rent; he contributes greatly to the creation of the state of the land, and afterwards assists to a very great degree in its cultivation, and bears a main part in those operations which are the very cause for which the land is cultivated at all, namely, the cropping and harvesting of the land. It is impossible for anybody who observes the Irish, either in town or in the country, to deny that they are very large contributors to that fund, out of which, if they were English labourers, they would be maintained in the case of destitution; and it seems to me wholly unjustifiable upon any plea on which

which we maintain the English, that we should deny that same maintenance to the Irish, if they require it.

2626. Which do you consider bears harder upon a person who has been reduced to pauperism, the laws against vagrancy in this country, or that part of the law which affixes the penalty of removal to his seeking for relief?—The penalty of taking in the way of legal relief a loaf, or a mess of pottage, is incomparably greater than the penalty of any offence under the Vagrancy Law, greater, indeed, than the penalty of much graver offences. A month's imprisonment, which is the limit for the first offence against the Vagrancy Act, with a very good shelter, and very good diet, is not to be compared with that which the Irish continually undergo, namely, the forfeiture of that which a man has obtained by struggling to get to England, shifting about from place to place, and the sacrifices which he has made to get himself known, and to get himself employed as a labourer. Even when that has been effected by only some few months of struggle, it is an enormous penalty to attach even to a crime that a man should be deprived of the means of living he has thus achieved. In our criminal laws we always consider that those penalties are not to be suffered which deprive a man of the means of living, which go to destroy the whole of his social position. For the highest crimes it has always been held that those forfeitures are disproportionate which interfere with the power of a man to live, and interfere so largely with his position as we do by the law of removal in the case of the Irish labourer, for taking the temporary relief required by his destitution. I think that there is no comparison whatever to be made between the severity of the punishment inflicted upon a man who takes relief being removable from an English parish to Ireland, and the penalty which we inflict upon an offender under the Vagrant Acts, or even upon those who commit great misdemeanors, or even great crimes.

2627. It has been stated before this Committee, that public opinion would not sanction a more stringent application of the test of in-door relief in this country; what is your opinion upon that point?—Public opinion is very difficult for any one to describe. I know no subject to which I have given attention, upon which public opinion has not changed many times. During my short experience upon the matter of poor-laws generally, or Irish Poor Laws, it has made three or four of the most notable possible changes. I take it that public opinion is like private opinion, and is but an aggregate of private opinions, and that it takes cognizance, more or less, of the facts which are known; if any facts be known to the public, public opinion is formed upon those facts. Public opinion has been in favour hitherto of a lax and somewhat liberal relief to the poor actually settled in the parish; public opinion has been always, so far as we can judge of it by parish opinion, most severe, cruel indeed, to those poor who were not settled. To instance the operation of public opinion upon this part of the subject,—I was concerned in preparing the Irish Poor Law: it was said by all the greater Irish landlords whom I had occasion to see, and indeed the greater number of Irish gentlemen were persuaded, that public opinion in Ireland would not allow a mendicant to be dealt with by means of a workhouse; that the mendicant, being one of a very numerous class then in Ireland, was, as it were, held by the universal popular opinion to be entitled to his meal at the board; to his share of the dish of potatoes; that it was almost a part of the religion of the Irish to give this to a mendicant; that the mendicant was a very pleasant person; that he told stories, and he was welcomed everywhere; in short, that Irish public opinion was entirely settled in favour of the mendicant, and that it was impossible to deal with him by means of the workhouse. A contrary view prevailed; the Poor Law was introduced, and I remember very well that in about a couple of years it was seen that wherever workhouse accommodation was got, the mendicant seemed to the population to be a gratuitous burden. Irish opinion had been very good and very right indeed when it had refused to let the man starve, to send him away hungry and without resource; but Irish opinion was quite as wise, I take it, when, seeing that there was a provision for the same mendicant for his maintenance and shelter made elsewhere, it referred him to that. As to vagrancy, but a few years ago it was felt by all those who had the administration of the poor laws to be impossible to deal more stringently with it; impossible to enforce any strong discipline upon the class of tramps and vagrants. That class, however, increased, and public opinion could not contradict that fact when that fact existed; and public opinion not only enabled the Poor-law Board to deal very effectually with it, and to bring in the aid of the police in its suppression, but public opinion

itself called for it and enforced it. Public opinion is a thing which I have never been able to anticipate from one day to another; but, if I were to undertake to prophesy about it, I should say that if you introduced another state of things, if you made all persons, wheresoever born, and whencesoever they came, a charge upon the place where they were for the relief of their destitution, every parish, and every person conversant with the facts, would then take a very different view from that which he takes at present, when he sees nothing likely to be a permanent charge to him but his own settled poor; and I do not apprehend that the public would be so blind as not to recognise the actual facts, and so absurd as not to resort to those means which the law placed at their disposal for the purpose of preventing this phenomenon, if it became, as some persons appear to apprehend, so frightful.

2628. If the law of removal and settlement were to be repealed, do you believe that it would make a difference in the feeling of Boards of Guardians in reference to the application of the test of in-door relief?—It would make such a difference in the facts within the cognizance of everybody, it would afford such different materials for what must be a very different judgment, that I cannot entertain a doubt that they would deal with the changed phenomenon in a different way to that in which they deal with the present phenomenon. Indeed, I think that the apprehension must be the other way. The whole experience of the poor laws shows, with what a degree of selfishness parishes deal with those upon whom they look as strangers to themselves; they have never hesitated to condemn a man to the worst evils if he was a charge to them and they could remove him. There has been no want of vigour on the part of parishes in dealing with those classes of poor whom they did not recognise as their own. I should feel that when the whole of the poor were unsettled, if, as has been proposed, the law of settlement were abolished, the sense which the parish would have, that the connexion of the poor was no longer fixed by the law of settlement to the parish, would operate too strongly to induce the parish to resort to any means by which they could reduce their number of poor.

2629. *Chairman.*] You are now speaking of English law of settlement, are you not?—Yes; and my apprehension would be, therefore, that parish opinion, which is the governing thing in this matter, and which, I dare say, is treated as public opinion when it is referred to upon this subject, would resort to too stringent modes of getting rid of the poor, and it is only a reliance upon the superior administration and control of the opinion of the rest of the community, which goes to contribute its share to public opinion, which would secure a humane administration of the poor laws as regards the whole of the poor. I am far from thinking that public opinion would not approve of stringent measures against the poor; my apprehension would be, that some corrections would be required, such as one sees in the other parts of the administration, and in the opinion of more intelligent and disinterested, and humane persons. I think that public opinion would authorise too strict a mode of administering relief.

2630. Mr. *De Vere.*] Would it be possible to make the workhouse accommodation in England sufficient for the application generally of the in-door test, the circumstances being altered, as they would be, by the abolition of the law of settlement and removal?—I have no question of it; the present workhouse accommodation, if it be workhouse accommodation, would be a great deal more than sufficient. At present, what we call a workhouse is more an almshouse, a poor-house, a lying-in hospital, an infirmary, an infant-school; it is anything but a workhouse. The workhouse contains none of the able-bodied class: none of the vagrants and tramps, and is, in a very small degree, tenanted by that class which is looked upon as a likely one to become chargeable to parishes if the law of Irish or Scotch removal were abolished. The quantity of workhouse accommodation applicable to this purpose, and that now exists, I should say, is 20 times more, upon a very low estimate, than sufficient for all that it would have to encounter.

2631. *Chairman.*] Do you mean to express it as your opinion that the workhouse accommodation now existing would be 20 times more than enough to furnish the workhouse test to all persons who should be paupers after the repeal of the law of removal, just as in Ireland there is one universal system of in-door relief?—That was not the question asked of me before. I say that, as a workhouse, and as applied to those capable of working, or to be applied as a test, the workhouse accommodation is 20 times more than sufficient for the administration of relief, and to operate as a test upon all who would seek relief.

2632. All destitute persons?—I do not say that the workhouse accommodation

dation would be more than sufficient for the maintenance of all the infirm, all the orphan children, all the sick, and all those many other persons who are not necessarily to be relieved in workhouses. The institution, at present, is not what is conveyed by the name of a workhouse, and is not intended to operate at all as a test. It is a place of refuge to various classes of poor; but, in answering the question whether workhouse accommodation would be sufficient, I say if the workhouse were converted into a workhouse, or if the workhouse were used as a workhouse, or if the subsidiary assistance of labour were to a greater degree resorted to, I think it would be quite a low estimate to say that it would be more than sufficient for 20 times the applications, 20 times the pauperism, which it would have to deal with in case the present law of removal were abolished, and there arose a necessity of applying the workhouse test to the Irish and the Scotch, and the Island poor.

2633. Mr. *De Vere.*] Then you think that the great difficulty of applying the in-door workhouse test, is that the present workhouse accommodation is misapplied?—I think that it is not misapplied. I think it is well enough to use the workhouse as an almshouse, and a poor-house, and an infirmary, and a lying-in hospital, and a school, and all that. But when I am asked whether we must incur a new expense in workhouses, or whether the workhouses are insufficient to deal with the evils supposed to be created by the abolition of the law of removal, I say that the workhouse accommodation appears to me to be not only adequate, but 20 times over enough to deal with all that I should possibly conceive as the subject-matter which would have to be dealt with.

2634. Mr. *Ingham.*] You think that additional buildings would be requisite, but you would have the expenditure made upon buildings of different denominations. You would build hospitals, infirmaries, lying-in establishments and infant schools, and occupy the present buildings exclusively as workhouses?—If the necessity arose, what I presume would be the thing to be done, would be to apply the present workhouses in a somewhat greater degree as a test of the applications made for relief, and in a less degree as mere shelter and harbour for various classes who are not now treated as if they came into a workhouse, but are rather treated as if they came into an almshouse or an hospital. I do not think that if I were the administrator in that matter, and if there were any such temporary pressure as this (for it would be at the utmost but temporary), I should think of making any provision for these other classes. I think the notion is wholly imaginary and groundless that the pressure upon the workhouse would be great. As it is, the workhouse has more provision made, that is to say, in the able-bodied wards of the workhouse there is already more provision made than is required to deal with that class under any ordinary circumstances, for whom they were provided. That would be available for any Irish, any Scotch or any Islanders who might make applications for relief; and I have no doubt at all that with a very little arrangement and a very little more out-door relief to the infirm persons now in the workhouse, the matter might be managed. A very desirable provision might be made undoubtedly for the schools, but I think that without a very sensible addition to the present cost, if it should turn out that there were demands made by the Irish poor (to confine the question to them) upon the ratepayers, wherever they have a workhouse at all, they have perfectly adequate means to deal with them without very much modifying what they now do with workhouses. I refer to the fact that the workhouse is now mainly not a workhouse, that it is more a poor-house and a lying-in hospital and an infirmary, than a workhouse, for this purpose, that there is already a provision made which with slight modifications would deal with a vastly increased amount of demands by classes to whom the application of a test of their destitution would be desirable.

2635. *Chairman.*] Then I understand that you are of opinion, that if the present workhouse accommodation were properly used and economised, there is plenty of it to deal with any pauperism which there would be in the country, after the removal of the present law?—Yes. I do not mean to say that it is improperly used at present, but merely that the present circumstances do not require the workhouse to be a workhouse. It is not a workhouse, except to a very small extent indeed; but if there were to arise any such necessity as that which is contemplated, I take it that people would use their workhouses as workhouses were intended to be used, when they were first created, namely, as much as possible as a condition of relief to be given to persons whose destitution was supposed to be simulated, or whose industry was at fault.

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2636. Are you favourable to a system of in-door relief, like that existing in Ireland; I mean going to that length, and including all those persons?—No; I think that the English system is very far preferable, as now administered. I see no need to test the destitution of a great number of those who are known to be destitute; I see no necessity for any of those which may be said to be the proper legal qualities of a workhouse, as applied to a great number of those now in it. For instance, the whole of the children one would wish to see otherwise disposed of, if possible, in schools which are not workhouse schools.

2637. You think the Irish system unnecessarily strict upon the poorer persons in Ireland?—I do think so. I think the workhouse is a very inapplicable mode of relief to many persons who are destitute, and who must have relief in some way; and as to them, nothing is gained by giving them relief under conditions extremely hard to themselves, but which cannot force them to a life of industry. It affords no security, in those cases, to the ratepayer, and it simply makes the relief irksome and undesirable.

2638. Then I understand you to be of opinion, that, with regard to all proper cases of pauperism, all cases which are proper to be relieved in the workhouse, even under the change in the law which you contemplate, the present workhouse accommodation is amply sufficient?—Yes; speaking for the whole country, and not for any one particular union; for I have known some in which the workhouse accommodation is not of a desirable kind, and not sufficient; but, speaking for the whole country, I consider the workhouse accommodation not only sufficient, but greatly in excess of what would be required.

2639. You do not agree with some of the witnesses whom we have heard from Ireland, who said that it would be necessary to extend the workhouse accommodation of England, if this alteration were made?—I differ from them entirely.

2640. Mr. *De Vere.*] You would use the workhouse as a test in all cases in which you think a test required?—Yes.

2641. Do you think that the labour test is used in the workhouses of this country as much as it might be, so as to make the workhouse operate more perfectly as a test of destitution?—It is certainly not used to the extent to which it might be, and to the extent to which it has been found upon partial experience to be beneficial. I do not wish to say, that I would apply it under present circumstances more extensively than it is now applied, but I certainly think that it could be applied indefinitely to a much greater extent than it has ever been applied. If there should be such a pressure upon the ratepayers as in some quarters is apprehended, that that would be a resource to which they could resort, is past a question.

2642. If the workhouse were to be employed as a test in the manner in which you suggest; if labour were to be more enforced than it is, and if the vagrancy laws were to be carried out in the manner in which they might be carried out, do you then think that there would be any reason to fear a pressure upon the ratepayers in this country from any increased migration of Irish immigrants, likely to be occasioned by the abolition of the law of removal and settlement?—I do not think that the Irish would be anything like so burthensome as they are under the present law, by which they are made irremovable. I think that if no Irishman had a particular claim on any parish any more than an Englishman, a much less number would be burthensome than have become burthensome since the law of the 7th & 8th Victoria. I think that we should be gainers also, as to the English. I think that the test would be more frequently applied than it is now; it would be employed to a much greater degree upon those who are now settled poor, and would then not be settled poor, and would not be dealt with, but as persons to whom a common test was to be applied, they being then in a common condition with all the rest of the poor. I have satisfied myself from my own observation, that the result is, as I anticipated it would be, when the law was proposed; I have seen very many Irish becoming chargeable, and the English also becoming chargeable, in a much greater degree to those places to which they had resorted, as they became irremovable. I believe that the whole of that additional pauperism, so far as it is factitious, so far as it is produced by the privilege of irremovability, would be effectually dealt with at once by the abolition of the law of removal. It is my opinion, that the amount of Irish pauperism would be immediately reduced, and permanently reduced in England, for it is an increasing charge under the present law of irremovability; I think that Irish pauperism would

would be immediately and permanently diminished by an entire abrogation of the whole of our present law of removal, including the law of irremovability.

2643. It has been stated before this Committee, that the workhouse dietary in England operates as a kind of attraction to Irishmen to come over here, not for the purpose of labour, but rather for the purpose of throwing themselves upon that improved relief; is that your opinion?—As a fact I cannot entertain the notion. I do not believe in any Irishman coming here for the purpose of getting relief. It might have been so during the year of dearth, but there is no such usual fact as that of the Irish coming here to get superior workhouse relief in England. All classes of Irish come here, allured by the superior attractions of England, from the highest to the lowest, the noble and the gentle, the men of higher or lower industry—men of talent, all classes, idle and industrious, are allured to England by some superiority in our condition, something attainable in England; but most certainly I know of no such phenomenon, as a matter of fact, as that of the Irish coming here to seek the superior relief of the workhouses. If it enters into their consideration at all, it enters, I imagine, into their consideration as a contingency, that if the worst come to the worst, let them fail in all their objects with which they come here, there is a resource against absolute destitution, their necessities must be relieved, and, at all events, they must be carried back to Ireland. It is possible that such things enter into Irishmen's minds amongst the various objects which they may contemplate as making England a desirable place for them to resort to; but that hitherto the superiority of English relief has operated as a motive, I think is not to be proved; at all events I have never in my experience seen any fact like it.

2644. Is it not the fact, that the workhouse dietary is founded upon the ordinary dietary of the labouring population of the country?—Yes; the dietary of the district has been always considered. The dietaries were all framed with a view, not only to the general dietary of the country, but to a great extent to the local dietary of the country. The Guardians have always been consulted, and, in fact, have had their choice, within limits, as to the dietaries to be adopted; and they have always been guided by that view, that the dietary should not be alluring to the poor with whom they had to deal, who, it must be remembered, were the settled poor for the most part.

2645. Supposing it to be true that the workhouse dietary in England is far superior to that in Ireland, it would cease to be an undue attraction to the Irish poor who had come over here, and fallen into the ranks of the labouring English poor?—The English labourer is in a better condition outside the workhouse than he is within it; the condition of independent industry is intended to be made better than that of pauperism, and so far as the discipline of the workhouse is concerned, so far as its dietary is concerned, the whole intention is to keep it less desirable than the state of independent industry outside its walls. That applies equally to an Irish labourer as to an English labourer; there will always be the same difference within and without the walls. If an Irishman is attracted here, if we regard for argument's sake so improbable a thing as that an Irishman is attracted here with a view to the superior relief which he would get in an English workhouse, that very same motive operating upon him,—his desire to advance himself, and his desire to be in a better condition,—would induce him to prefer the still better condition of being outside the walls. Whoever assumes that an Irishman seeks to better himself by getting into an English workhouse, assumes a sort of man who would still more desire the condition in which he would find himself outside the house. Keep the dietary inside the house somewhat inferior to the dietary outside; keep the labour within the house as irksome as the labour outside, and take with that all the other circumstances of a workhouse, and infallibly the Irishman who would seek an English workhouse, because it was better than an Irish workhouse, would still more seek the outside of an English workhouse than the inside.

2646. Is it not the fact that the great mass of Irish who come to this country fall into the class of labourers?—The great mass of Irish come as labourers, and are labourers. I remember an observation of a man of great experience, a Mr. Ransford, first a Lancashire manufacturer, and an engineer afterwards; his observation was this, and it is very consistent, I think, with most persons' experience; it is with mine; that the Irish who come as labourers are available for all sorts of odd unpleasant jobs; that if there be an opening for something for which an Englishman is not available, an Irishman very commonly falls into it;

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and it was the observation of Mr. Ransford that the Irish children got into what he called warm and snug places; at least they very commonly did. From being ready for any odd job, they found themselves filling the places for which English had not fitted themselves; and it was a part of his observation, that English labourers continue labourers under all circumstances, and their children follow as labourers, and get into the like service as their parents; but as to Irish children, they commonly get carrying things about, or doing a great number of odd things, and they get into other modes of life, which casually offer to those ready to enter on it; and they are very often lost in English society from the labour in which they first were occupied, and become generally dispersed in higher positions through society. It is a very observable fact, that a great number of things begin in England solely by the aid of the Irish, because there is no English class so available for a new thing. I mentioned in my report the case of one body of police, and it was found to be the case with many other bodies of police, that at first they were chiefly recruited from the Irish. It was the fact that almost the whole of our Ordnance survey was in the lower portions of the work, the actual detail of the survey, done by Irish. When it became necessary to employ a great number of a similar class of persons, capable of doing the ordinary work of geometrical survey, they were taken away, and were employed in the surveys for railways. By anybody who will observe the facts, I think it will be found that very commonly the first rude beginnings of any operation in England are made with the aid of the Irish. However, as a general rule, the great mass of the Irish come here undoubtedly as agricultural labourers, and the next great mass as labourers in towns, engaged in various works of building, excavation, and the works of construction generally in towns.

2647. Practically speaking, as soon as they fall into the mass of the English labouring population, they enjoy the diet of that population?—Yes.

2648. So that the workhouse dietary, which is based upon that diet, would cease to be an undue attraction?—Yes. When they have accustomed themselves, as for the most part they do, more or less, to English ways, and, more or less, to English modes of life, the same relation must exist between their condition outside the workhouse and their condition within as exists in the case of an English labourer, and whatever induces a reluctance in the English labourer to go into a workhouse, under those circumstances induces the same reluctance in the Irish labourer to go in. We find it proved; there is no matter which is better proved before this Committee than that fact, that the workhouse, whenever it has been offered to the Irish, has operated as effectually upon them, (and, indeed, more effectually upon them, if I read the evidence aright,) than it has upon the English. It seems to be observed by many witnesses that the Irish are more reluctant to submit to the great restraints of the workhouse; and the reason is found, I believe, in their prevailing habits; that the Irish prefer that which allows them the greatest latitude of locomotion, and the greatest personal freedom, and that anything which restrains their freedom of locomotion is objected to by the Irish, at least in the first generation; and a parity would seem to exist in the result as to the workhouse.

2649. Are you aware that some suggestions have been offered to this Committee of moderating the severity of the present law by enlarging the area of industrial residence, or limiting the period of industrial residence?—Yes, they are very favourite notions, I believe.

2650. What is your opinion of them?—I think they are both objectionable. As to limiting the period, it seems to me to be one of the most mischievous suggestions that I am acquainted with. The irremovable poor are now very much increasing in numbers; they are most tenacious in many cases, I dare say in all, of their privilege, when they have effected it; they become quite ready immediately to take relief; they generally become very clamorous for it; they become most reluctant to be removed from the place where they have made good that privilege; and becoming more idle, and more clamorous for relief because they have the privilege of irremovability, they become more burthensome to the place. I do not wish to speak objectionably of them, but I know one place where the irremovable Irish are justly spoken of as a mass of nuisances. A diminution of the term of residence, during which they would obtain that privilege, say from five years to three, would more than double the number—it would probably treble the number at once of the irremovable poor; it would be trebling, I believe, the mischief of a privileged class having a *quasi* settlement, but something

thing worse than a settlement, because it is not removal to any place in England which they would incur by becoming chargeable, but removal to Ireland; therefore they would hold with a double tenacity to this privilege of irremovability. The number would be more than doubled; I believe it would be more than trebled in England by reducing the term from five years to three, and we should no doubt increase Irish idleness, Irish proneness to pauperism, and the burthens of these places in at least that proportion; and I cannot conceive a more mischievous operation than that of reducing that which is mischievous enough as it is, namely, the term of residence by which the privilege of irremovability is acquired.

2651. Would the same arguments which you have urged against increasing the number of irremovable Irish poor by limiting the period of industrial residence, apply to making the whole of the Irish poor irremovable by abolishing the law of removal and settlement?—Not in the least. By abolishing the whole law of removal and settlement, every Irishman would be equally entitled to relief wherever he was; he might pass from one township or parish to another, or from one union to another, or go where he would, and he would be equally entitled to relief anywhere; there would be no reason why he should hold to one place or another, except that it afforded him the means of being in a better position generally; but so far as relief was concerned, every place would be equally indifferent to him; every place would be equally bound to relieve him in his destitution, and no plan could remove him.

2652. With respect to enlarging the area of industrial residence, do you think that it would have an effect in remedying the severity of the present law?—I think that that is rather to be objected to as merely illusory; it would not do much harm, nor any good.

2653. *Chairman.*] You think it would do some harm?—The objection to it is, that it is illusory; that it is a mere delusion. The Irish poor here are necessarily, in the present state of things, lodging in villages and in towns; they have now the liberty to work anywhere within the union. To give them the liberty to lodge within the union; the liberty to lodge in the cottages, which are already too scanty for the English, is to give them nothing at all. The supposition that they would be enabled to find better employment if they had the whole of the union open to them, is therefore not well grounded; and when there arises any necessity for an Irishman looking abroad for labour, the restriction of the union is too narrow a limit. It is not within the union that he wants employment in that case; by the supposition he has not found adequate employment in the neighbourhood; he can now seek employment within the union; he is not confined to the parish to seek employment; it is much further afield that he requires to go; it is most probably not within the county that he should be confined; he must seek some place where the circumstances of industry are not the same; so that, in a great number of cases, it is wholly illusory to talk about enlarging the area of the residence. The few cases in which it would apply would be those in which a union consists, for the most part, of a town or a town district, where the distinction between parish and parish is not great; and, from the distinction not being observed, men lose their privilege of irremovability by passing from the one into the other. But it is really a very small part of the matter; and it is not worthy of consideration, as it appears to me, as a palliative for so enormous an evil as that of the law of removal of the Irish. To keep so cruel and penal and so unjust a law as the law of removal generally, and to endeavour to palliate it by enlarging the area in which the privilege can be got, is really one of those delusions, the repetitions of which are a shame to the whole history of Poor-laws. I object to the proposal chiefly inasmuch as it is a delusion on the part of anybody who really considers the phenomenon, or a mere mistake by those who do not.

2654. Mr. *Archibald Hastie.*] You stated that the Irish Poor-law is much more strict than the English?—Yes; inasmuch as the relief is mainly confined to relief in the workhouse, and that workhouse is somewhat inferior in its appointments, and is said to be inferior as to its dietary; its dietary undoubtedly is less tempting to read. Since I have been in the room this morning, I have seen a statement which appears to me to be very like the truth, that the Irish dietary is relatively a much better diet than is generally supposed; but that, I presume, the Committee will have on better authority than mine.

2655. What is the reason of making the Irish Poor-law more strict than the English?—That the condition generally of the Irish, particularly at the time

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when the Poor-law was introduced, and more particularly the condition of that class of Irish upon whom the workhouse was expected greatly to operate, namely, the vast mass of mendicant Irish, was so low, that the English workhouse would have been for them, and under those circumstances, too much of an allurement; so it was judged.

2656. Then the fact of making the Poor-law in Ireland more severe than here, arose from a fear on the part of the landlords that there would be a vast amount of pauperism relieved, if it were made the same as the English Poor-law?—The Poor-law was introduced in Ireland at one step; there had been no Poor-law in Ireland till this was introduced. There were the greatest difficulties encountered in introducing a Poor-law at all. Nothing short of the security that a pauper was to be relieved within the workhouse, subjected to stringent conditions, would have induced the ratepaying community of Ireland (say the Irish landlords, for it is really that) to entertain the notion of such a project. It was viewed by a very great proportion of the most intelligent and most humane and excellent men in Ireland as a confiscation of their estates. Some of the best of Irish landlords did, I believe, conscientiously think that it was a law of confiscation, and so it was described by them; it was not in terms of faction, but it was the real belief of many of the most intelligent persons connected with Ireland, and especially, I must say, of many distinguished political economists. Those were their motives for introducing the law gradually there, and introducing no more than was absolutely safe. They were influenced by the fear of an evil of which they had no means of judging but by anticipation, judging from the very low condition of a great number of the Irish. There were a vast number of the Irish of a class not known now; conacre existed to a great extent; there were a vast number of very small tenants, holding not by sufferance, but by force; the people were in states of destitution not now known in Ireland, and there was, above all, what might be said to be a prescriptive rank of mendicancy in Ireland. All that made the experiment dangerous even in the opinion of those who were most friendly to it, and they were willing to take a Poor-law professedly in its terms as stringent as could be, as a safe experiment, and as the means of dealing with a great deal of the greatest wretchedness, and above all with that phenomenon of mendicancy which existed in Ireland. But it does not follow that that is so now; I have only this morning been talking with one of the Irish landlords, a nobleman who feared this experiment; that is one of a great number of other cases. It is within my own knowledge that Irish landlords no longer look with that extreme apprehension at a Poor-law, and are not by any means favourable in the degree in which they were then, to making the relief so hard in its terms, and the dietary so low, as it is generally supposed to be.

2657. *Chairman.*] Did you understand that, as a body, the Irish landlords and gentlemen were prepared to alter their present system?—No.

2658. That is to say, to abolish in-door relief as the exclusive system, and to alter their dietaries?—No; but I infer from the conversations which I have had with those who at first were most alarmed, that they no longer entertain such a dread of the Poor-law; they see that it is safe; and I do not think they would insist so strongly as they did then upon its being made safe by the stringency of the regulations.

2659. Mr. *Archibald Hastie.*] Then you allow that it is much more stringent than the English Poor-law?—In its intention it was more stringent.

2660. Is it much more so in its operation?—Inasmuch as it is all workhouse relief, it is more stringent, and inasmuch as, I believe, after all, the dietary is inferior to that of England, though I believe it is much more nearly proportioned to the diet of the Irish out of the house, yet I do agree that it is in intention and in practice more stringent than the English.

2661. Would you recommend that the English Poor-law should be, in the same spirit and intention, and with the same liberal feeling, carried out in Ireland as it is in England?—I would not presume now (it is so many years since I gave a minute attention to the subject) to offer any suggestion as to what the Irish Poor-law should be. I believe that there is experience now in Ireland; the thing is carried into operation by some of the very best and most capable persons in Ireland; and I believe that Irish opinion, the opinion of those who would have to pay for the Poor-law, is at this moment about the very best opinion that could be taken. I think that nobody wanting the experience of an administrator

trator in Ireland, wanting the experience of a guardian in Ireland, is competent to say what would be desirable in Ireland in that matter. *G. Coode*, Esq.

2662. If my memory is correct, you stated that you were originally employed by the Government to collect information previously to carrying into effect the Act for poor relief in Ireland?—I was not employed by the Government; I was then in office; I was in the English Poor-law Commission. 7 May 1855.

2663. In that capacity, were you sent to Ireland to make inquiry as to the best mode of applying poor-law relief in Ireland?—No. I was greatly concerned in the recommendation of the measure, in advising upon all the details, and I framed the Bill itself; but I made no special inquiries upon the subject, except, that I suppose I examined the material provided by the Commission of Inquiry in Ireland, and a great deal of other material, upon which I formed my judgment.

2664. Then you were no party to recommending this stringent Poor-law?—Yes, I was; I not only had a considerable part in recommending it, but I thought that it was the proper way to introduce the system. I do not say that I should now, upon a view of the circumstances as they could be now ascertained, recommend exactly the same measure, but I believe that it was wise and proper to do it as it was done, and the change of view from the altered circumstances is one of the changes which I, one of the public, participate in. It may be said to be a modification of public opinion, but after the experiment which has been made in Ireland, I think it will be found that hundreds and thousands of persons who then thought that any Poor-law was dangerous, think it now not dangerous; and that men, who were then for having the most stringent law of relief possible, would be now willing to have a more liberal one. However, I only give this as an impression; I do not know it.

Edward Senior, Esq., called in; and Examined.

2665. Sir *R. Ferguson.*] HOW long have you been employed under the Poor-law Boards in England and Ireland?—About 17 years. *E. Senior*, Esq.

2666. In what situations?—I was first employed for nearly five years in England as Assistant Commissioner, my last district having been the East and West Riding of Yorkshire, Nottinghamshire, Leicester, Lincoln and Derby. On my removal to Ireland I was first employed in Munster, and subsequently, for a greater period in Ulster. Nearly three years ago I received my present appointment of Commissioner, since which period I have been resident in Dublin.

2667. Then you were about nine years in the country parts of Ireland, and nearly three years in Dublin?—Yes.

2668. Have you had to consider the bearing of the English and Scotch Settlement Laws, and the power of removal on the towns, on the labour market, with reference to England?—My impression is unfavourable to the operation of both in England.

2669. With reference to the removal of the Irish, what is your opinion?—It appears to me unwise in itself as regards the English interests, and unfavourable as regards the object of removal, namely, the Irishman.

2670. How do you consider it unfavourable as regards the English interests?—I think its tendency is to interfere with the full attraction of labour to the English demand; it has a tendency to fetter or tie up the labour market.

2671. What effect do you think it has upon the manufacturers in the towns, and the competition which they maintain with American and Continental manufacturers?—It appears to me extremely desirable in the present state of free trade, for the chief centres of manufacturing employment to attract the utmost amount of labour they can. I believe that the success of the competition rests almost entirely, either upon cheap labour as compared with the price of labour in America, or a lower rate of interest upon capital.

2672. What effect do you think is produced on the labour market by the law which allows the removal of the labourer in a time of distress?—It diminishes the supply; when I was in England in the midland districts at the period of depression in trade, it was systematic at that period to remove to their place of settlement those who applied for relief who were non-settled poor; I believe those people were removed with great hardship to themselves and considerable injury to the community; ultimately no doubt as trade improved, the greater number of them found their way back again; I think all that double cost of removal was a

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national loss; I was myself an eye-witness of the immense amount of vagrancy which the operation of this law occasioned in England; persons used to beg in gangs, especially in Nottinghamshire and Leicestershire, who were apprehensive of being removed if they applied for relief, and preferred begging, if you call that begging where people almost demanded relief at the houses of residents.

2673. In what year was that?—It was in the years 1840 and 1841.

2674. Did they, in your opinion, demand that relief, in order to avoid their being relieved by the union and afterwards removed?—I think that that was one powerful cause, amongst others.

2675. What is your opinion relative to removing a person who has been long employed in any district to the place of his birth?—It appears to me harsh; penal.

2676. How have you found the poor-law work in Ireland in which there is no power of removal; in fact in which there is no settlement law?—Very well.

2677. Is there a great deal of difference between the different portions of Ireland in which you have had the supervision of the poor-law?—The north-east differs very materially from the south-west, both as to the rate of wages, the habits of life, and in almost every respect.

2678. What is the principal town in the north-east?—Belfast.

2679. What is the feeling of that town relative to the danger of an influx of paupers?—I had charge of the Belfast Union for eight or nine years as Poor-law Inspector; I never heard it proposed by a single individual, that it would be desirable to have recourse to the power of removal.

2680. In that period what was generally the rate of wages in Belfast as compared with other portions of the district of which you were inspector?—At that period they were from one-third higher to double the amount in other districts; but I apprehend that from the improvement which has since taken place in Ireland, we have much more nearly assimilated in the rate of wages throughout the country than at that period.

2681. With regard to the dietary in the Belfast Workhouse, was there any difference between the dietary in that workhouse and that in the country unions?—Of the two it was more liberal; it consisted, for instance, of three meals a day; they gave four ounces of meat for dinner three days in the week.

2682. Is the dietary in use in the different workhouses in Ireland pretty uniform now?—Very nearly so, with the exception that in about two-thirds of he Irish workhouses only two meals are given a day, whilst in the remaining one-third, three meals are given a day; but it does not follow that there is a ifference of one-third in the amount of food given. Practically there is very ttle difference, but where the habit of the labourer is to receive three meals a day, three meals are given in the workhouse; where the habit of the labourer outside is to have only two meals a day, only two meals are given in the workhouse. I may say that in the country where three meals are given a day, the people are chiefly of Scotch or English descent.

2683. Is the dietary, in your opinion, above or below that of the Irish labourers as regards nutriment or variety?—Unquestionably above it, in both respects.

2684. *Chairman.*] As regards the labourer outside?—As regards the labourer outside; the present cost of the Irish dietary is 1 *s.* 10½ *d.* per head according to the last return which we have. Now, it is quite clear, that the Irish labourer outside, giving him the average number of five in a family, seeing that he would have to pay for other things, could not devote the sum of something like 7 *s.* a week for food alone, and no doubt the workhouse has a considerable advantage over the labourer, inasmuch as the things are bought wholesale by contract on the cheapest possible terms.

2685. Sir *R. Ferguson.*] Has there been any comparison of the English and Irish workhouse dietaries, as to their quantity of nutriment?—I see it stated in a work published, intituled "Memorandums made in Ireland," in the year 1842, by Sir John Forbes, who is physician to Her Majesty's household, that the amount of nutriment in the Irish dietaries is actually greater than the nutriment in the English dietaries. He has compared six Irish unions and five English unions, which he states he has taken hap-hazard. He says that he submitted those dietaries to an eminent chemist, and that the analysis is more favourable to the Irish than to the English. His remarks will be found at page 228 of the second volume.

2686. *Chairman.*]

2686. *Chairman.*] Does he give the names of the six unions?—He does.

2687. Be good enough to read his statement?—He says: "Dietary.—The peculiarity of this in the workhouses, as recorded in many preceding pages, will, I doubt not, have attracted the attention of most of my readers, more especially such as are accustomed only to the fare of the people of England. To such persons, two meals only in the 24 hours, and these consisting almost exclusively of farinaceous matter, and without a particle of animal food, from one year's end to the other, must seem very inadequate fare, hardly capable of even sustaining life, to say nothing of its insufficiency to support the bodily exertions of an adult working man. When, however, it is remembered that the universal habit of the Irish people of the labouring class has long been to live almost exclusively on the potato, an article of diet much less nutritive than any of the kinds of meal which constitute the workhouse fare, the want of flesh as one of the articles of diet, and the want of variety in the other articles, will seem less extraordinary. Even the limitation of the meals to two, would seem, from some statements in my first volume (page 113) to be among the ordinary habits of the Irish peasantry. The only questions, therefore, that would seem to require consideration under this head are these: Is the amount of nutriment in the Irish dietaries sufficient for the support of healthy life? If sufficient in amount, is its great sameness likely to render it unwholesome?" Then follow the dietaries of the "Skibbereen, Kilkenny, Enniskillen, Castlebar, Londonderry and Ballycastle" workhouses on the one side, and "Aylesbury, Winslow, West Hampnett, Northampton, and Thame," on the other side. "Previously to making any comments on these dietaries, it will be necessary to make a few remarks respecting some of the items in the Irish, those of the English will be generally understood." "Now, in comparing the Irish and English dietaries with a view to the solution of the questions propounded above, I have little doubt that most of my readers will at once condemn the former, not merely for its extreme unchangeableness, but for its great inferiority in regard to actual nutriment. The English dietary with its very considerable amount of actual meat and soup made with meat in it, together with the cheese, the puddings and vegetables will be regarded, I doubt not, as containing altogether a much larger stock of nutriment than the almost exclusively farinacious dietary of the Irish. Accurate chemical examinations of the two dietaries, however leads to a conclusion, the very reverse of this, showing the Irish dietary to contain the largest proportion of nutriment of the two; in proof of this, I subjoin a brief report kindly furnished to me by a scientific friend, whose name, if mentioned, would be at once allowed to be sufficient warrant for confidence in his opinions. The report refers to the two sets of dietaries given above." Then follows the report: "I have done my best to make out an accurate comparison of your dietaries, and still find that your Irish friends, have an advantage in point of quantity, both of dry nutriment and azotised matters, over the English; if my calculations are correct, the general average of the six (daily) Irish dietaries is as follows: dry nutriment 18.65 oz.; azotised nutriment 4.4 oz. This is a little higher than my former calculation of azotised nutriment, owing partly to the larger quantity of milk which some of these unions have, but chiefly to the suppers in two of them. The breakfasts and dinners are rather less in these, but their sum total rather greater; in calculating the English dietaries I have been obliged to guess at the pudding, soup, and vegetables, and have not exact data for the bacon; my results, however, cannot, I think, be far wrong, they give the average daily nutriment as follows: dry nutriment 15.50 oz.; azotised nutriment 3.90 oz. This may surprise you, but it must be borne in mind, that weight for weight, meal is much more nutritious than bread, and that even butter-milk contains about one-fourth as much azotised nutriment as meat, so that one pint (16 oz.) of butter-milk is equal to 4 oz. of meat. Potatoes too, have a very low value, though bulky, being nearly three-fourths water, and having only one-fortieth of azotised matters. The want of variety is, to my mind, the chief fault of the Irish dietaries, and it is to be borne in mind, that the fact is now well ascertained (by the experience of prisons) that a diet which will answer very well when the body and mind have the variety of out-door exercise and freedom, does not answer under the monotony of confinement." I endeavoured to obtain the name of the chemist who made this analysis, and I wrote to Dr. Forbes to obtain it; but it appears that he is out of town, so that I have not been able to do so. Sir John Forbes is a Scotchman. Upon the

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the subject of dietaries I would say, that without intending to assert that the work from which I have just quoted is accurate in all its details, I am not the least afraid of a comparison as between the Irish dietaries and the English, in point of nutriment; I believe that if you put an Englishman upon the dietary of the Irish workhouse, he would be extremely dissatisfied; the difference in the substance, the semi-liquid food, would be extremely distasteful to him, no doubt. On the other hand, I believe that an Irishman placed, without previous change, on an English dietary, would complain that the quantity of food was insufficient. He is not accustomed to receive it in that shape, and he would go away from dinner hungry. This was the great difficulty which we had in altering the dietaries after the failure of the potato crop, the Irishman's stomach was accustomed to the large bulk of three pounds or four pounds of potatoes; and he complained very much when we gave what we now give, namely, a stirabout meal; in other words, a more nutritious dietary, but in a smaller bulk.

2688. Sir *R. Ferguson.*] Is the tendency on the part of the Boards of Guardians generally to raise or to lower the dietary, and has it, on the whole, been improved of late?—The tendency is to raise the dietary, and it is steadily increasing from the standard laid down by the Commissioners, which is the minimum scale.

2689. Are there any dietaries, then, below that minimum which is laid down by the Commissioners?—None.

2690. Can you put in that standard dietary?—I can.

2691. Have you any other dietaries which you can hand in?—I will hand in a copy of the standard dietary; I can also give the dietaries of Limerick, of Cork, of Belfast, of the North and South Dublin Unions, of the Sligo Workhouse, and of Waterford.

2692. Mr. *Archibald Hastie.*] Will you read the dietary of the Sligo Workhouse?—The dietary for healthy inmates is as follows: the able-bodied working males receive, for breakfast, 5 ounces of Indian meal, 2 ounces of oatmeal, and 1 pint of butter-milk; for dinner, 12 ounces of brown bread, and 2 pints of soup; for supper, 6 ounces of bread. I will go on with the other classes, if it is the desire of the Committee; but I think the able-bodied class is principally before us. I have also the names of the unions in which three meals a day are given, and the names of the unions in which three meals are not given.

2693. Sir *Robert Ferguson.*] Are there any unions in which three meals a day are not given to children?—None; three meals are given in all workhouses to children.

Vide Appendix.

[*The Witness delivered in the following Papers.*]

2694. *Chairman.*] Since Dr. Forbes's book was written, has there been any material change in the dietary of the Irish workhouses?—I think there has been a considerable change.

2695. What has been the change?—An increase.

2696. The change is only in an increase?—Decidedly so.

2697. Do you concur in the following opinion which I read from the same book. "I entirely coincide in the truth and importance of the last observation, respecting the want of variety in the Irish dietary. The extreme sameness of this, day after day, week after week, is quite remarkable, and cannot fail, in my opinion, to have an injurious effect through its influence, on the mind, at least, if not directly, as physical nutriment. It is perfectly true, that the private domestic dietary of many nations, that of the Irish themselves among the number, is almost as little varied; but there is a vast difference between an unvaried diet with an unvaried life, and an unvaried diet with a varied life, between the life led in the open air by the free Irishman, or Scotchman or Hindoo, and the life within the dreary walls and amid the stagnant air of a workhouse. On these grounds, therefore, and on many others equally obvious and strong, I cannot but think that the present Irish dietary is really defective and may probably be dangerous"?—I concur in the extreme importance of variety in dietaries. I do not concur in that statement, inasmuch as it assumes that there is not variety in Irish dietaries. Dr. Forbes appears to be under the impression, as you will see from the context in the same book, that vegetable soup is only given in very few workhouses; that sweet milk, *i. e.*, milk from which the cream has not been taken is unknown in Irish workhouses, whereas the younger children receive new milk in all the unions, and whereas two-thirds of the unions give soup mixed with vegetables.

2698. I will

2698. I will read another sentence: "And notwithstanding the fair appearance of health witnessed by me among the inmates, at least among the children, I cannot free my mind from the suspicion, that the greater prevalence of fever in the Irish workhouses and the astounding prevalence of ophthalmia, may be partly at least owing to this defect." Do you concur in that extract?—Fever has entirely disappeared from one and all of the Irish workhouses for a considerable period; ophthalmia has also disappeared; they were both, I apprehend, diseases brought in by the persons on their admission, not the result of anything which occurred there. As a proof of that, the northern workhouse dietaries, as I mentioned, closely assimilated to those of other parts of Ireland, yet the distress in the north of Ireland having been less than in the other parts of Ireland, in none of the Irish workhouses was fever prevalent when the author wrote that description; neither in any of the northern workhouses was ophthalmia known. I speak of this fact from my own personal knowledge of workhouses, which I was in the daily habit of inspecting as inspector. Might I venture to read to the Committee a very short paragraph from the ensuing report of the Poor-law Commissioners? It is printed, but not yet laid before The House: "Visible signs of an improved condition of life are found in the appearance of the peasantry in all parts of the country, more especially in their clothing; in the character of the dwelling-houses such improvement must of course be more gradual; as regards food, meal of different kinds is in general use, either in the shape of bread or stirabout; and it is to be feared that too little variety as yet prevails, or is perhaps attainable under the present prices. In this respect the workhouse dietaries are greatly in advance of the ordinary cabin diet, care being taken to obtain as much variety as can be obtained with the very few combinations which milk, meal, and fresh vegetables afford; for beyond these simple articles of food, the pauper dietary in most parts of Ireland (excepting of course the hospital diet) cannot be carried without injustice to the classes who pay poor rates, or at least maintain themselves without dependence on that fund."

2699. Sir *R. Ferguson.*] Is there, in your opinion, any just ground for the belief, that if the law of removal be abolished, there would be an influx of paupers into England and Scotland?—I do not hold that impression.

2700. Have pauperism and vagrancy, in your opinion, diminished much in Ireland?—The number of committals for vagrancy has diminished one-half in Ireland; I take it that the amount of vagrancy has diminished in a still larger proportion.

2701. What is the state of things as regards the pauperism in the workhouses?—It is materially and steadily diminishing.

2702. What is the case as to the rate of wages?—The rate of wages, on the other hand, has improved; 6 *s.* per week appears, according to our last information very recently obtained, to be the minimum rate of wages for steady employment.

2703. Is the employment more steady and more constant than what you knew before?—Much more so.

2704. What is your opinion as to continuing the removal of Irish from England when there is no power of removal from Ireland to England?—It appears to me to be unjust.

2705. In case of repealing of the law, are there any provisions of former laws which might be necessary to be restored, as for example, the power formerly given under the Vagrant Act by which a person committing an offence might be held to be chargeable and removable?—That appears to me to be desirable; I do not apprehend that it is really necessary, but I think that it would remove apprehensions on the part of the public generally.

2706. Is there any penalty upon moving from one union to another in England or Scotland in search of relief, as there is in Ireland?—No.

2707. Do you think that there should be a power of punishment for that?—It might possibly be desirable; I do not myself attach much importance to it, except, as in the previous case, for removing apprehensions.

2708. What do you think would be the consequence of the gradual extension of the workhouse system of relief in Scotland?—It would remove that particular difficulty if the question applies simply to the difficulty with regard to the Irish poor. I am not myself personally acquainted with Scotland, but I read from the evidence of Sir John M'Neill that workhouse accommodation is already extended to the chief towns of Scotland; I think he states that 86 workhouses are either built or building.

2709. Mr. *Maguire.*] Out of 800 parishes?—But there is the power of combination; it is not 86 to 800, I apprehend, because one workhouse may probably accommodate the poor of many parishes; the chief towns I gathered, as the words used; that workhouses are provided, or being provided, for the chief towns.

2710. Sir *R. Ferguson.*] Is it your opinion, from a perusal of the evidence, that this power of removal from England to Ireland is applicable in periods of great distress?—It did not appear to be applicable in Liverpool nor in Birmingham during the late frost; in some of the metropolitan parishes, I learn from the evidence given before this Committee, they do not make use of it.

2711. Is it a source of great expense to the removing parishes?—A source of both expense and fraud.

2712. What manner of fraud?—Persons wishing to go back to Ireland, apply for relief in some parish where it is known that strict inquiry is not made, and thus travel at the expense of the county instead of their own expense.

2713. If it should be determined to maintain the law of removal from England and Scotland to Ireland, would there be any restrictions which you would think desirable to place upon it?—I should wish that the pauper should be accompanied by an officer; that he should be removed to his home.

2714. *Chairman.*] Do you mean by "home" his place of birth?—Not necessarily.

2715. Where he was last known?—Or where he wished to go, as the case might be; I rather avoided the word "birth." I would recommend that the Poor-law Board in England should have the power of drawing up regulations somewhat similar to those which the Scotch Board now enjoins, that the removing officer should secure the pauper's fare or place to his home, giving him some food probably for the journey; that a removal order should be furnished, stating all the main facts, and I should be disposed to make the area of removal the union, in preference to the parish. Those are the main alterations which I should be disposed to recommend.

2716. Would you suggest any alteration as to the period necessary to acquire irremovability?—On the whole, I think I should be disposed to shorten the period, say from five to three years.

2717. You think that three would be an improvement?—I think it would.

2718. Sir *R. Ferguson.*] Would not this be a considerable addition to the expense?—I apprehend so; it would, therefore, have a tendency, which to me appears a desirable one, to diminish the number of removals; but I think it quite possible that the total abolition of the law would, in reality, be a safer measure, inasmuch as I apprehend, that if the law of removal were abolished, there would be a greater inducement on the part of the removing authorities, whether in England or Scotland, to avail themselves more largely of the workhouse system, in preference to out-door relief.

2719. A question was put to Sir John M'Neill, No. 3038, as to removals; in the course of his answer to which he expressed an opinion, "that the law which forbids the removals is a much more cruel law than the law that permits them. Take the case of a Scotchman who goes to Ireland to work at Limerick or at Cork, and is there struck down by disease or accident, and permanently disabled from earning his livelihood, what happens to him? That man, if he is permanently disabled, can never see his native country again; he is banished for life; if he attempts to move from the union workhouse at Limerick or at Cork, and to make his way to the coast, he commits an offence; he is seized and brought back, and he remains for the rest of his life, if he is permanently disabled, a banished man and a prisoner." Have you considered as to that opinion?—I was much struck by this portion of Sir John M'Neill's evidence, which I found referred to that given before this Committee by the clerk of the Cork Union, who stated that certain persons who had been removed from England to Cork, after being relieved in Cork, went on their way home to the Bandon Union, and were apprehended by the relieving officer for the offence of going from one union to another in search of relief; I have since made inquiry through the inspector of that district, Mr. Hall; I learn from him that it is the invariable practice of the Bandon Union, as well as of the neighbouring unions, to relieve persons so removed from England to Ireland, and in no case to commit them as vagrants under the circumstances described; nor can I conceive it possible that any magistrate would commit in such a case; I never heard of such a

case

case in my life, long as my residence has been in Ireland. I have no doubt that the clerk of the Cork Union stated that which he believed at the time to be true; I presume that he must have been misinformed by the pauper, who probably had committed the offence of begging.

2720. Mr. *Archibald Hastie.*] You stated that the power of removal tended to fetter and tie up the market; what market did you allude to?—The labour market.

2721. In what way has it had that effect?—I have lived in England in open parishes, and I have lived in close parishes, as they are commonly called. The open parishes have a superfluity of labour, the close parishes have a want of labour; those in open parishes have to go a long distance in search of labour, sometimes two, three, and four miles out, with great hardship. The open parishes are over-crowded, the poor are ill lodged, and all sorts of sanitary dangers are inflicted; and it appears to me in every way to work most unfavourably to the labourer, and also unfavourably to the parishes which are in want of labour; it diminishes the amount of available labour by the loss of time in coming and going, and the inconvenience of its supply; and in every way the old English system—and my remark was intended especially to apply to England—the whole settlement system in England chains the labourer to the place where he says he belongs; it indisposes him to go to a distance; he lives upon his parish as his natural nurse, as his natural support, all of which I believe to be injurious to him, and to the public generally.

2722. Then your answer did not in any way apply to the Irish labourers who come here in search of employment?—To a certain extent, I think it does; if, for instance, distress broke out in Manchester, and were the Manchester authorities to remove all the Irish who applied to them for relief, I apprehend that their supply of labour would be diminished by that cause. Again, widows and children might be sent back to Ireland, who might be unable to find their way back to Manchester at any future period. Such a practice was, in my time, very usual in England. I am not enabled to speak as to what the practice is now.

2723. What do you mean by an open parish?—A parish in the possession of many persons, where any man can obtain lodging by a weekly payment; whereas a close parish is, in poor-law language, a parish in the hands of one person, where the number of tenements is limited, and where a stranger would not be allowed to lodge for fear of increasing the number of persons who might obtain parochial relief. Much reference to this subject will be found in the old Poor-law Reports in the inquiry of 1834. I believe there are no laws against which so much can be said, and so little in favour, as the laws of settlement and removability; they are barbarisms of an antiquated legislation.

2724. As respects England?—As respects England, Ireland and Scotland, so far as they affect either of those three countries, to the best of my opinion.

2725. It has been given in evidence by witnesses to this Committee, that the law of removal has the effect of keeping the Irish labourers all in one community or in one place; do you agree in that?—Not to that extent.

2726. If the law of removal had that effect, would it not dispel it to enact a law whereby there should be no settlement at all, in which case there would be no inducement to remain to effect a settlement?—Yes; I do not apprehend that the law of removal, as regards the Irish, has very much to do with the English labour-market. I take it as a law inflicting special hardship and cruelty, and injurious as far as it goes; but I do not think that its practical effect is a very powerful one.

2727. It has been given in evidence before this Committee, that the power of removal is one great inducement to the Irish to remain in one locality, because, if they quit where they are before they have acquired a settlement, it deprives them of whatever time they may have had an industrial residence?—I apprehend that the law of irremovability, so far as it operates, has a tendency to keep the labourer in a particular district; and I had not that in my mind when I answered the previous questions. I must be permitted to add, that the law of irremovability has come into operation since I left England, and therefore I can say very little myself as to its practical effects; I can only speak of what appears to me to be its tendency, but I can describe nothing as to its actual result.

2728. It has been given in evidence here that the power of removal has the tendency of keeping an Irish pauper in one locality until he has acquired a

settlement, so that he cannot be removed; are you of opinion that it has that effect?—If a man loses any advantage, which he at present possesses, by going from one district to another, having obtained irremovability by an industrial residence, it has a tendency, no doubt, to keep him in that particular district; I still do not believe it to be a powerful cause.

2729. You do not think that there is much in the cause?—I do not think there is very much in it; I give that merely as a matter of opinion; I have not been enabled to witness the effects.

2730. If it had that effect, the passing of a law that the poor should never have a settlement, would at once cure that, would not it?—It would cure that part of it, certainly.

2731. Then if there were such a law, as there would be no restriction to any one going abroad to seek for work, it would remove the complaint against the present law, that it compels the Irish to congregate together, and deprives them of the means of going abroad and looking for work, because they would then be deprived of the acquisition which they would have of non-removal by a five years' residence?—I should not quite use so strong a term as "compel;" I believe that it does not enter into an Irishman's mind, when he moves from one side of the street to the other, that he loses his right of irremovability; I do not believe that he thinks of it till he applies for relief and finds it out; he generally applies for relief in total ignorance of the law.

2732. If I am under the impression that the large majority of Irish who come here to labour, are sensible of the fact, that if they become chargeable on the poor laws at any period within the five years, they lose the privilege of being made irremovable, and are liable to be sent back; is that impression correct?—Certainly: the great majority may be aware of it.

2733. Then that opinion prevailing amongst the great body of Irish, the law as it stands cannot materially affect their condition?—I do not believe that it does.

2734. You stated that the Belfast dietary was very good?—I do not think it differs materially from that of the neighbouring unions. It happens to contain a little more meat, to which, I believe, the Irish pauper attaches very little importance indeed.

2735. Mr. *Ingham.*] It gives three meals a day?—Yes.

2736. Mr. *Archibald Hastie.*] At the date of the last return, how many paupers were in the Belfast Workhouse?—The last return I have, which is for the week ending the 14th of April, gives a total in the Belfast Workhouse of 2,287 inmates; of which there were stated to be able-bodied males, 325; but a vast number were sick, no less than 805 inmates being sick, the greater portion of whom, no doubt, went into the workhouse as an hospital, rather in search of cure than from absolute destitution. In the present state of the Irish workhouses, very nearly one-third of the inmates consist of sick. The poundage in Belfast, in the year 1852, was 1 *s.*; in the year 1853, 1 *s.*; in the year 1854, 1 *s.*; and in December 1854, 1 *s.* 3 *d.*

2737. Mr. *Maguire.*] The reason of the increase was owing to the dearness of provisions, I suppose?—No, that had nothing to do with it, or at least it was a very small element; it was from the badness of trade, the stoppage of the mills.

2738. Is not the price of provisions higher than it was?—Yes; but Belfast is specially affected by the state of trade.

2739. Mr. *Archibald Hastie.*] Is there a penalty upon paupers who go from one part to another, in Ireland?—If a person begs or wanders from one union to another in search of relief, he is liable to be imprisoned, under the Vagrant Act.

2740. If he wanders in search of work, there is no punishment?—No.

2741. *Chairman.*] I understand you to be of opinion that the entire and unqualified abolition of the law of removal is the best thing to be done?—Yes.

2742. Would you recommend that that should be accompanied by any legislative measure whatever?—I believe it would be safe without any.

2743. Would you think it necessary to make any alteration in the system of administration of the poor law, in either of the two countries, or both?—Some change would, I apprehend, be necessary in England.

2744. Will you be so good as to point out the change which you contemplate as necessary?—I apprehend it would render necessary in England a somewhat stricter adherence to workhouse relief, as compared with out-door relief.

2745. When

2745. When you say "somewhat stricter," there are a good many places, as you know from your experience of the English Poor Law, where there are no workhouses, and others where there are very old and inadequate workhouses?—I speak with great submission, in the presence of much higher authority, but I was under the impression that the existing law enabled the parties so disposed to provide workhouses.

2746. The guardians themselves?—Yes.

2747. But are you aware that there is no power in a central authority to compel them to provide that accommodation?—I believe it would be for their interest.

2748. Then you would trust to the motive of self-interest to increase the workhouse accommodation?—For instance, in the year 1838, I was Assistant Poor Law Commissioner in South Wales, which at that time possessed no workhouse accommodation whatever. At the period when I left that district, about 12 or 18 months subsequently, there was hardly a union which did not possess adequate workhouse accommodation, and I was myself instrumental, both in that district and in my last district, in England, in introducing what is called the prohibitory order, by which out-door relief is, as you are well aware, prohibited to able-bodied males.

2749. In the unions to which it is issued?—In the unions to which it is issued; I am quite aware that it is not issued to the metropolitan parishes.

2750. And many of the larger parishes?—And many others.

2751. In your opinion could it be practically issued and enforced in the metropolitan and larger parishes of England and Wales?—At this moment I think not, from the evidence which I have read and seen, but I beg to express opinions on administrative points with great caution in the presence of so very much better authorities.

2752. Do you believe that there is any prospect of an alteration in the system of administration in Ireland; that is to say, rendering the system which is at present one of in-door relief, one of out-door relief, either partially or altogether?—I do not expect that to take place.

2753. You do not contemplate it?—I do not.

2754. Do you contemplate any material alteration in the dietaries of Ireland?—I should hope, speaking generally, that if the condition of the lowest class continues to improve with it, the dietaries will also improve.

2755. Am I right in supposing that the rule as to in-door relief in Ireland at present is correctly stated in a circular of the Poor-law Commissioners, dated 1st July 1847; does the following passage represent correctly the state of the law: "Until the passing of this new Act," the 10 Vict., c. 31, "the guardians are aware that they could legally give relief to the destitute from the poor-rates in a workhouse only; with regard to certain classes of the destitute, however, the law is now altered; for the guardians, while they are absolutely required to relieve those classes in some manner or other, are vested with a discretionary power to grant the relief either in or out of a workhouse. The classes of destitute persons in respect to whom the guardians possess this new discretionary power are the three following: 1. Destitute poor persons who are permanently disabled from labour by reason of old age, infirmity, or bodily or mental defect. 2. Destitute poor persons who, being disabled from labour by reason of severe sickness or serious accident, are thereby deprived of the means of earning a subsistence for themselves and their families, whom they are liable by law to maintain. 3. Destitute poor widows, having two or more legitimate children dependent upon them. With respect to all other classes of the destitute poor, the guardians are still not entitled under ordinary circumstances to grant any relief from the poor-rates except in a workhouse only; but at all times when there shall be sufficient room in the workhouse, the guardians are required to take order for relieving and setting to work therein such other persons (that is to say, persons who are not included in any of the three classes just mentioned,) as the guardians shall deem to be destitute poor, and unable to support themselves by their own industry or other lawful means. Although however, under ordinary circumstances, the powers of a Board of Guardians in reference to out-door relief are merely such as are above mentioned, special provision is made for periods of unsual distress. For by the second section it is enacted, that if it is shown to the satisfaction of the Poor-law Commissioners, that through want of room, or by reason of fever, or infectious disease due

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due relief can no longer be afforded in the workhouse or workhouses of a union to destitute poor persons not included in any of the above-mentioned three classes, it shall be lawful for the Commissioners by order under their seal to authorise the guardians of such union to administer relief to such persons out of the workhouse, and the guardians are then required to make provision for their relief accordingly. No such order, however, is to be in force for a longer period than two calendar months from its date, and all relief gven to able-bodied persons under its authority must be in food only." Does that represent the exact state of the law with regard to the subject of in-door relief in Ireland?—It does.

2756. You have none I believe, or scarcely any of the exceptions which are contained in the English prohibitory order, with regard to in-door relief?—None.

2757. For instance, let us take the case of the wives of militiamen, soldiers and sailors, have your guardians any power to relieve them out of the workhouse, as you know guardians have in England?—None; we may give out-door relief to widows having two or more children.

2758. With regard to all the other cases mentioned in the exceptions to the English prohibitory order, you have no power by law to dispense with the workhouse, so as to make it a system of out-door relief?—None.

2759. Then this passage which I have read to you correctly represents what you believe to be the present state of the law in that respect?—Yes.

Jovis, 10° *die Maii*, 1855.

MEMBERS PRESENT.

Mr. Baines.	Sir. Robert Ferguson.
Sir John Trollope.	Mr. Maguire.
Mr. Ingham.	Mr. De Vere.
Mr. Locke King.	Mr. Alexander Hastie.
Mr. Dunlop.	Mr. Grogan.
Mr. Stirling.	Mr. Cheetham.
Mr. Archibald Hastie.	Mr. Smollett.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Edward Senior, Esq., called in; and further Examined.

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2760. Sir *R. Ferguson.*] YOU mentioned in reply to question No. 2685, and following questions, that the analysis of the quantity of nutriment in the workhouse dietaries had been found more favourable to the Irish than to the English; have you since learned by whom that analysis was made?—I have received a letter from Sir John Forbes, whose book I quoted from, who states, "the friend who favoured me with the brief report on the dietaries is Dr. William B. Carpenter, the author of some admirable works on physiology, and the highest authority on all matters of this kind."

2761. Mr. *Maguire.*] Before I ask you as to the numbers of able-bodied and other paupers in the Irish workhouses at present, I want to get an answer to this question: Is the number of persons relieved in the Irish workhouses during any year a fair test of the condition of the country, whether it be progressing or otherwise?—It is a very valuable means of comparison.

2762. What more valuable means of comparison could you have; is it scarcely possible that you could have a more valuable or reliable test of the condition of the country than the numbers relieved in the workhouses of Ireland?—No better occurs to me.

2763. If you see a very large number of people relieved in one year, and a very small number relieved in another, you do not take that diminished number as a proof that the law is badly administered, or that the country is still in a state of misery, do you?—The conditions of relief being the same, I take it that it would be a proof of improvement.

2764. A former

2764. A former witness, Sir John M'Neill, I think, asserted that the diminished number of persons who have received relief within late years was no proof whatever of the change in the country from a condition of extreme misery to one of comparative prosperity; what do you say to that?—I do not concur in that opinion.

2765. When the people are greatly pressed by destitution in Ireland, should you say that they are then accustomed to seek relief in the workhouse?—The fluctuation in the numbers is a proof. It is largest, year by year, when distress is most prevalent; it is highest, probably, in February; it is lowest in September; it is also affected by epidemic causes. During the severity of the last frost it increased, I think, by some 13,000; so that it shows by its very fluctuation how accurately it corresponds with the condition of the labour market and of the poor outside.

2766. Do you find that, when the greatest pressure in Ireland arises, which, I believe, is now in the month of February, the numbers in the workhouse are largest?—Yes; at a previous period it used to be greatest between the periods of the potato crops, when the old potatoes had been consumed, and before the new crop came in. As the people now no longer depend upon the potato crop, it is just at the end of the winter, before the demand for spring labour comes in, that is now the period of greatest pressure.

2767. Have you any figures before you by which you could give the Committee an idea what was the number of persons who received relief, say in the years 1848 and 1849; that is two years after the year of famine, as it is called?—In the year 1848, upwards of 2,000,000 of paupers received relief.

2768. What was the number in 1849?—Two million, one hundred thousand.

2769. What was the gross number who received relief last year?—At one and the same period, the total number who received relief in the workhouses in Ireland up to the latest period to which our returns extend was 86,000.

2770. On a particular day?—At the end of a particular week; probably about three times that number of persons were relieved in the course of the year.

2771. But in the year 1849 there were 2,100,000 persons relieved?—There were.

2772. Will you tell me the number of able-bodied persons relieved, say in 1850; take the males first?—The number of able-bodied males who received relief in 1850 was 25,000.

2773. Will you give the numbers for the succeeding years?—In 1851 it was 23,000, in 1852, 16,000, in 1853, 11,000, and in 1854, 7,000.

2774. What is the number of males in the present year?—In the same week to which I have already referred it appears to be 5,318.

2775. If I mistake not, during the last six months there were certain periods when the number was even less than that?—There were.

2776. At what period; look at October?—Three thousand six hundred, I think, is the lowest week.

2777. Would you attribute the small increase, from 3,000 odd to 5,000 odd, to the comparative pressure which was caused by the severe weather in the two or three last months?—I have no doubt of it.

2778. Does not that small number of able-bodied persons receiving relief in the Irish workhouses, as compared with the very large number of the same class which received relief in the years 1848, 1849 and 1850, and other years, show a gradual and steady progress in the material condition of the country?—Certainly.

2779. You have no possible doubt as to that?—I have no doubt.

2780. When you say that there are 5,000 odd able-bodied males receiving relief in a certain month, would you wish to give the Committee the idea that those are deserving the name of able-bodied; are they really able-bodied?—I apprehend not; they consist of persons who do some amount of work, and who are classed as able-bodied, chiefly that they may receive the larger amount of food which the dietary gives to that class.

2781. There must be some classification, and where there is an arbitrary classification it very often happens that persons not intrinsically belonging to the class are included in it?—Any one able to work at all is classed as able-bodied.

2782. Would you say that there are 1,000 really able-bodied males in all the workhouses in Ireland?—Probably not.

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2783. If you were to find that there was a less number than 1,000, would you be surprised at it from your own knowledge of the circumstances of the country?—No, and they consist chiefly of the tramp class; people who hate work.

2784. May I draw the inference from that, that every person who can get work in Ireland is anxious to avail himself of the opportunity of earning his bread?—Yes, with the exception I should say of the vagrant class; both in England and Ireland you find a considerable vagrant class who will never work if they can possibly avoid it.

2785. Has not the vagrant class in Ireland seriously diminished?—It has diminished to an almost wonderful extent.

2786. What is called mendicancy, and what was certainly a disgrace to Ireland some years since, scarcely exists, I believe, at the present moment?—The class of mendicants who most worry the people of England, called tramps, strong boys of 18 or 19, are very little known in Ireland.

2787. There was a class in all the cities and towns of Ireland some years since, who absolutely lived upon mendicancy; has that class so diminished as that it is scarcely perceptible at the present moment?—I think there is a perceptible class remaining, but it is very much diminished.

2788. I believe it takes a longer time to provide employment for the class of able-bodied women than for the class of able-bodied men?—Certainly; the process of absorption into general society of able-bodied females, circumstanced as Ireland is, is no doubt a much slower process than with able-bodied males.

2789. Still, is that class diminishing?—It is.

2790. Give me the numbers in 1850, in the Irish workhouses, of able-bodied females?—Sixty-two thousand.

2791. Will you go on with the successive years?—Sixty-one thousand in 1851; 44,000 in 1852; 31,000 in 1853; 21,000 in 1854. The last week that I have already referred to, it has fallen to 16,000.

2792. Does that show such a steady diminution as would leave upon your mind the impression that the country is really improving?—I believe it to be the most improving and improved country in Europe for the same period of time, from the year 1846.

2793. As to farm servants, what were the wages of a farm servant in Ireland, a boy or girl, two years since?—About 3 *l.* a year.

2794. Did it not frequently happen that the wages did not exceed 10 *s.*?—Possibly; I speak more with reference to the wages given where I happen to have lived myself, in the north of Ireland; that is probably higher than the average.

2795. That is the more prosperous portion of the country?—Yes.

2796. But in the south-west, would you say 10 *s.*—They were nearly nominal.

2797. Have you any knowledge of what they are in the present year?—The minimum wages for continuous employment now for a day labourer appear to be about 6 *s.* weekly.

2798. I am speaking of farm servants living in a farmer's house and supplied with board and lodging by the farmer. In what part of the country is Mr. Bourke's district?—The counties of Leitrim, Mayo, Roscommon, Sligo and Donegal; I refer to Mr. Richard Bourke.

2799. Is that Mr. Bourke, whose district lies almost wholly in Connaught?—Yes; Connaught and Ulster, where they meet.

2800. I believe Connaught is one of the districts in Ireland which has suffered almost more than any other?—Certainly.

2801. It is considered generally one of the poorest districts in the country?—Yes.

2802. Therefore, if there be anything like a material improvement in that portion of the country, it is a good indication of general improvement throughout Ireland?—I concur in that.

2803. I hold in my hand the Eighth Annual Report of the Commissioners?—I have it; the agricultural labourers appear to have received from 5 *s.* to 6 *s.* per week; ditto in and near towns, 6 *s.* to 9 *s.* I am now reading from Mr. Richard Bourke's Report; ditto in hurried times, 7 *s.* to 9 *s.*; ditto in hurried times in and near towns 9 *s.* to 12 *s.*; farm servants, men per quarter, 20 *s.* to 30 *s.*; ditto women, 10 *s.* to 20 *s.*; ploughmen, per week, 9 *s.*

2804. I find this paragraph in the document which I have before me: "An improvement

improvement has also taken place in the wages paid to farm servants who are usually from 16 to 20 years of age; boys thus employed receive from 4*l.* to 6*l.* a year upon an average, and sometimes as much as 8*l.*, with food and lodging; women from 2*l.* to 4*l.*" Does not that description afford a very marked contrast to the state of things even 12 months ago?—Certainly; it is very curious that the increased rate of wages has been far more rapid in the last 12 months than in the previous two or three years; that takes its source, no doubt, in the increased amount of capital in the hands of the farmers. Of course it is impossible for the rate of wages to rise without the fund out of which wages are paid having increased, which has been the result in the last year.

2805. Would you say that the change of proprietors, consequent upon the passing of a vast amount of land from the hands of one class to those of another, has had a good deal to do with the demand for labour?—It has had some.

2806. In certain districts, of course, it has had more than in others?—In those districts I have not been myself personally.

2807. Will you turn to the report of Mr. Otway as to Leinster, and state what he says; you are reading now from the Report of the Poor Law Commissioners, which will be presented in a short time to the House of Commons, and which has just been printed?—Yes: "Mr. Otway states that, in fixing the average weekly wages of the above class," namely, agricultural labourers, "at 6*s.*, he does not take into account the extraordinary and temporary increase which takes place at this time, and especially at harvest time, ranging from 1*s.* 6*d.* to 2*s.* 6*d.* a day; well-conducted labourers," he observes, "can now command continuous work at 1*s.* a day; the increase in the rate of wages over last year's return is occasioned by the decrease in the number of hands, and by an increase in the demand for their labour; this decrease he attributes to emigration. He does not, however, anticipate any such decrease in that way as to occasion an inconvenient deficiency in the supply of agricultural labourers, and he regards the present continuous demand for that class as a healthy sign of improvement in the social condition of the country. The class of agricultural labourers receiving money wages is rapidly increasing."

2808. Have you any other report; I wish you to place before the Committee something like a description of the condition of the country according to the latest authentic reports?—Mr. Robinson's district consists of the north-east of Ireland; he estimates the rate of wages at 7*s.* 6*d.*; in Mr. Richard Hamilton's district, consisting of the north-west, he puts it at from 5*s.* to 6*s.* a week; Mr. Crauford, whose district is in the neighbourhood of Dublin, states 6*s.*; Mr. O'Brien, whose district is Galway, Tipperary, King's County, and part of Connaught, says 9*s.*; but Mr. O'Brien "observes, that the lateness of spring operations, and the increase in the extent of cultivation, have effected a considerable increase in the rate of wages." I apprehend from that remark that he has rather taken the highest price at this moment than the average price for the year.

2809. But from all parts of the country you find that the rate of wages has steadily increased, that employment is more continuous, and may I say that the class of labourers, who hitherto have been without employment, has steadily diminished, so as to leave very few at the present moment?—Yes.

2810. That is the exact state of things as represented to you?—Yes.

2811. I believe that the maximum number relieved in this year is 16,406 less than the maximum number last year?—About that.

2812. Considering the high price of provisions, is not that decrease in the extent of Irish pauperism very considerable and most hopeful?—Yes.

2813. I believe the employment under the operation of the Drainage Acts has ceased for some time in Ireland?—I believe so; but I am very imperfectly acquainted with the operation of the Drainage Acts.

2814. Was it not what might be called an artificial stimulus given to employment?—Yes.

2815. Inasmuch as that has ceased, and still the number of persons in employment has increased, and their wages have become larger, is not that a further evidence of improvement in the country?—Certainly.

2816. Do you know that within late years a very large number of children, who might be considered the most destitute and helpless class, have left the workhouses of Ireland, and have been absorbed into the industrial portion of the

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community?—I am aware of that fact; I can give to the Committee the numbers: "Return of the Number of Young Persons between the Ages of 12 and 18 who left the Workhouses of 153 Unions in Ireland during the years 1849, 1850, 1851, 1852, 1853, and 1854, and have not since returned."

2817. What is the gross number?—Two hundred and four thousand two hundred and fifty-three.

2818. Will you give the numbers for each year?—Twenty-thousand, two hundred and thirty-four males, 21,559 females for the year 1849; for 1850, 19,655 males, 20,837 females; in 1851, 19,501 males, 20,763 females; 1852, 15,697 males, 16,418 females; 1853, 13,113 males, 13,457 females; 1854, 11,591 males, 11,428 females.

2819. Making a total of 204,000 odd?—Yes.

2820. Would you look upon that fact as one of very great importance in enabling the Committee to arrive at anything like a fair estimate of the condition of the country at this moment?—Certainly.

2821. I believe in the year 1847 there was a very considerable number of deaths from starvation?—A very large number which were attributed to destitution by coroners' verdicts, and which were reported to the Irish Government.

2822. Of which the authorities had official notice through the verdicts of coroners' juries?—Yes.

2823. Have those deaths been reduced to a very small number?—They were only six last year.

2824. Have you the particulars of those cases?—Not of the previous years, I fear.

2825. That is another proof, I should say, of the efficiency of the administration of the law, besides the improvement of the condition of the country?—I presume that if all the destitute had not been relieved, it is probable that persons might have perished from the want of such relief.

2826. Are those 204,000 odd persons, who have voluntarily left the workhouses in Ireland?—Yes, and who have not since returned; they have not since become chargeable.

2827. Might not a large number of those persons have been in fact taken from the workhouse by benevolent persons who placed them in schools?—I apprehend that they have been grafted into society; that they have been absorbed into the general mass of the self-supporting population in a great number of instances; no doubt some of them have turned out ill.

2828. I believe in most of the workhouses in Ireland there is a system of industrial training, and that young persons totally incapable of self-support have become capable by the training which they have received in the workhouses?—Great attention has been paid to that subject.

2829. Mr. *Ingham.*] Does not it appear that a smaller number every year are taken off by industrial pursuits?—It necessarily diminishes as the gross number diminishes.

2830. Can you tell what proportion they bear to those who remain in the workhouses?—The number of males aged 15 and upwards in April last, appears to have been 2,963; of females, 5,274.

2831. Can you say whether or not there is every year a larger proportion of persons within that age obtaining employment and quitting the workhouse to the persons who are unable to obtain employment and who remain in the workhouse?—I think it comes at last until you take in the whole number available for employment; until you have none remaining in the workhouse of an age to go to service, which is the case, especially now in the North-eastern unions; I apprehend that in certain of the North-eastern unions you will not find a single healthy boy of the age of 12 years in the workhouse.

2832. Mr. *Maguire.*] Though the number of young people who have left the workhouse within the last year is smaller than the number who have left in previous years, is it not relatively larger within the last year than it was before, as compared with the class remaining in the workhouse?—Yes; it takes the whole, in fact. Before we finish the subject of education, I should be glad to mention, that so far as my own experience extends, I am exceedingly anxious that children in workhouses should leave the workhouse at the earliest possible age at which they are self-supporting; I do not believe that it is desirable to retain children beyond that age, even for the purpose of improving their education;

tion; the instant a boy can work and support himself by his own industry, so soon he ought to leave the workhouse. I believe a workhouse may be a very suitable place for children up to the age of 12, but every year spent in the workhouse after that age, whether by boys or girls, I think is an injury to them; I speak both with regard to England and Ireland; some of the educational movements lose sight of that consideration, but I think it very important. It appears to me that the monotony and the routine system of a workhouse are very unfavourable to children after a certain age.

2833. Sir *J. Trollope.*] Are there not other influences of a moral nature which operate upon them after that age?—I would rather have the domestic state than the state of the workhouse; I think the sooner a child leaves the workhouse the better, when able to maintain himself.

2834. Mr. *Cheetham.*] You speak of all the children and young persons who come within the workhouse?—Of course.

2835. Do you include any who receive out-door relief?—No; our out-door relief is so small that it is practically lost sight of.

2836. From the remark which you have made, supposing you did give out-door relief, would you educate the children of paupers receiving such out-door relief?—If I could get access to any convenient machinery for such education, so that I could attach it as a condition to the receipt of relief, free from practical difficulties, it seems to me expedient to do so.

2837. Mr. *Maguire.*] In point of fact, scarcely any out-door relief is given in Ireland?—Very little.

2838. It is not worth speaking of?—The total amount given as out-door relief in the week ended the 21st April appears to have been 61 *l.* for all Ireland.

2839. What was the gross amount of out-door relief for that year in money, or the value of it?—I fear that my returns do not give it me accurately; it is about 4,000 *l.*

2840. What proportion does that bear to the in-door relief?—It is infinitesimally small; the out-door relief is usually only given in sickness, when the pauper is unable to be removed to the workhouse.

2841. *Chairman.*] In fact, in those cases which you mentioned to the Committee the last time you were here?—Exactly.

2842. Mr. *Maguire.*] As to employment, is it not the case that in the towns and cities, and even in the rural portions of Ireland, that there have been increased means of employment for the young female portion of the community?—Certainly; a new trade has sprung up in Ireland; it is called the muslin embroidery trade. One of the chief manufacturers, a person whose name is worth every credit, has told me that he believes the amount to be 1,000,000 *l.* annually.

2843. Mr. *Grogan.*] The amount of money paid?—Yes.

2844. Mr. *Maguire.*] That is only one branch of trade; but I believe there have been others, namely, various kinds of fancy work, such as crochet, lace knitting and silk netting?—I have no means of estimating the amount.

2845. But you have heard that there are such kinds of employment in various parts of the country?—Yes.

2846. And in various parts of the country a trade has been opened up, not only with England, but with America and Australia?—Yes; and the Irish girls appear to have a particular talent for that kind of industry.

2847. Some witnesses who have been examined before this Committee seem to be under the idea that the Irish Poor-law authorities, such as boards of guardians, had from time to time sent people to England or re-transmitted removed paupers to this country; has such a state of things come within your knowledge?—Decidedly not, as regards boards of guardians. I heard that a portion of a fund raised for other purposes was so applied in the town of Belfast by a voluntary committee, on which I gave evidence to a Committee of this House, some years ago. I believe I have the evidence here, if the Committee wish for the information.

2848. I entirely speak of boards of guardians?—It is impossible for boards of guardians to do so, because they cannot apply their funds in that way.

2849. The accounts of boards of guardians are rigidly investigated by officers called auditors, are they not?—They are.

2850. And even if one shilling were applied to such a purpose, it being clearly illegal, the auditor would not allow it?—Yes; but at the same time, I think it

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exceedingly possible, and indeed absolutely certain, that in individual cases of persons removed from England and Scotland, which have appeared to benevolent individuals to be cases of particular hardship, they have advanced private funds to send them back again, not with reference to saving the union the burthen, but out of pure benevolence. I have no means of testing the number of such cases, but some of them I am myself aware of; I have heard of them in the course of conversation, unofficially.

2851. I apprehend that those cases are very rare?—I should apprehend so.

2852. But it is perfectly impossible that a board of guardians, as a board of guardians, could apply one shilling of the rates to send over any person?—Had that occurred, it is impossible but that, by means of the machinery which the Poor Law Commissioners have at their disposal, we should have had some information upon the subject. It has never, on inquiry, been found to have occurred, although very often asserted.

2853. Where such cases have been stated to have occurred, you have made an inquiry into them?—Always.

2854. And in all cases you found that such statements were not justified by the facts?—They were not.

2855. You are quite clear as to that?—I must remark, that the statements of paupers are to be received on both sides with great caution; when they come from England or from Scotland to Ireland, they invariably represent that they have been used with extraordinary cruelty, and have been removed illegally. On the other hand, when they get back again, they represent that their treatment has been very unfavourable in Ireland, and that they have been very improperly sent back again; both cases probably are equally undeserving of credit.

2856. Have those statements such an effect in Ireland at times, that private gentlemen do feel themselves justified in putting their hands into their own pockets, and from motives of benevolence, subscribing to send the parties back again?—Yes.

2857. Not from any motive of relieving the union from the burthen of their support, but rather from a motive of benevolence?—Yes.

2858. And from the representations of those people, that if they are sent back, they have certain means of employment?—I do not think it is the instinct of the Irish to apply their own funds to infinitesimally reduce a public rate.

2859. Do you think that the superior diet given in this country is really a sufficient inducement to draw any number of poor Irish people from their country over to this country?—I believe that no dietary, however luxurious, which the heart of man could imagine, would induce Irish paupers to reside, if not really destitute, in a well-managed workhouse; but relax those regulations, make the workhouse attractive, and a place where you may run in and out as you please; a place of freedom; avoid the separation of the sexes; let it resemble the old poor-house of a large town in England 40 years ago, and I think it is very possible that you would have such a class.

2860. I think you are contemplating only an extreme possibility, and one never likely to occur, such as any board of guardians relaxing the necessary discipline of their house, and falling off from the strictness which is adopted at the present time; is not that rather an improbable conjecture?—I am not myself sufficiently acquainted with the present state of the London workhouses to enable me to speak with any accuracy.

2861. The dietary in the Belfast workhouse, I believe, is more attractive than the dietary in the surrounding districts, inasmuch as meat is given?—I do not believe myself that meat is attractive there; but it is to English ears more attractive.

2862. At any rate is it considered a higher class of dietary than is given in other cases?—It differs but slightly, except in the fact of animal food.

2863. Assuming that it is more attractive than the dietary which is given in the surrounding districts, is it probable that any number of persons have gone to Belfast with the intention of obtaining that dietary?—I never heard it so asserted.

2864. Do the ratepayers of Belfast seem to be under that impression?—No.

2865. Arguing from that, we might come to the conclusion that the Irish poor are really not influenced by that consideration?—I think the Irish poor care singularly little about the quality of their food. When an increase of funds places them in more favourable circumstances, the last thing they think of is expending

expending it in the shape of food; it may go to dress, it may go to stimulants, but not to food.

2866. Supposing an extraordinary emergency to occur again in Ireland, are you of opinion that the Poor-law system would enable the country to do more towards meeting that emergency than it could upon any former occasion?—Certainly.

2867. Is not the union area much smaller than it was?—Yes.

2868. There being a larger number of workhouses?—Yes.

2869. At one time, I believe, from the distance between one union workhouse and another, it almost amounted to a denial of relief?—It did in some unions.

2870. Say in 1846 and 1847, can you from memory tell me the largest number of miles between one union workhouse and another; was it 20 or even 30 miles; take the south-west of Ireland?—In some cases it exceeded that distance, where peninsulas run into the Atlantic.

2871. Now I believe it does not exceed eight miles?—That is so. It appears to me of extreme importance that the number of Irish workhouses should not be reduced; valuable as they now are as hospitals, if you reduce their number you will practically deny relief.

2872. *Chairman.*] What is the present number?—One hundred and sixty-three.

2873. Is that the same number as the number of unions?—Yes.

2874. One in each union?—One in each union at least; there are a few auxiliaries, but we call the building and its auxiliaries one workhouse.

2875. Mr. *Maguire.*] So that Ireland is in a better condition to meet an emergency than it was?—Yes, the amount of workhouse accommodation has most enormously increased.

2876. Would you say, that it is quite sufficient to meet any emergency?—I should say so; the total amount of available accommodation in Ireland is for about 200,000, which is more than twice the number of inmates accommodated at any one time in the course of the last year.

2877. I believe the law is considered to work so well in Ireland, that a law of settlement is not considered necessary?—Yes.

2878. I believe so entirely so that there is a strong objection amongst all classes against a law of settlement?—Certainly.

2879. Inasmuch as it would be certain in the course of its operation to occasion a great contention between parish and parish, and consequent litigation and expense?—Yes, and the still more important objection, that it would fetter and interfere with the working of the labour market.

2880. At present, in fact, in Ireland wherever there is a demand for labour, a poor person can go to that district?—Yes.

2881. There is nothing to restrict his labour?—Nothing.

2882. Therefore wherever there is a demand for labour, generally speaking, the supply is equal to the demand in consequence of that; would you not say that?—I still observe that the demand for labour differs in different districts; it does not rapidly approximate itself. Supposing the rate of wages in a particular district to be much higher than in another, even that inducement does not at once overcome the reluctance of parties to go from one district to another.

2883. Will you put yourself in the condition of an English gentleman, and even an English ratepayer, and give a conscientious opinion to this Committee, whether you think there would be any practical injury to England by the abolition of the law of removal?—I believe it would be beneficial, for the reasons which I endeavoured to state to the Committee on the last day when I was examined.

2884. Is there not a growing aversion in Ireland to a law of removal?—May I say in answer to the last question, that if I did not believe it to be beneficial to both classes, I should believe it to be an evil, because I believe that if you increase pauperism you damage the recipient of relief as well as the person who contributes towards it; if injurious to England it must be also injurious to Ireland.

2885. You do not think that the abolition of the law would be likely to increase pauperism?—I do not. There are questions so intimately connected with English Poor-law relief, upon which so many more experienced witnesses have been examined, that I do not wish to enter upon the subject; but it appears to me, that the doing away with the law of settlement and removal would improve the administration of English relief.

2886. Is there not a very strong feeling of aversion in Ireland against this law

law of removal?—Very strong. I believe that there is no single subject which creates so much feeling of bitterness. It is a feeling as if they were persons of an inferior race, as if they were liable to a pain and penalty to which no other person in the United Kingdom is liable.

2887. I believe the feeling in Ireland is, that it is a greater hardship to remove an Irish person from a great seat of industry like England, to a poor country like Ireland, than it is to remove an Englishman from one parish to another in England in a prosperous country?—Yes.

2888. Supposing the Bill brought in last year by the Right honourable Chairman were carried, and the law still remained in force, as it is now, against the Irish, what would be the feeling of the country then?—It would strengthen that feeling of objection.

2889. Would it greatly strengthen it?—It would greatly strengthen it, but I should be very glad to see the Bill carried. I think the Irish Bill would follow after it.

2890. Suppose the Irish Bill did not follow after it, what would be the feeling?—It would add to the injustice.

2891. And increase the strength of feeling?—Yes.

2892. Would you consider that such a state of feeling, if it were at all justified, would be a politic thing to permit in Ireland?—It would be very undesirable.

2893. Mr. *De Vere.*] You have been asked, whether, in case the out-door relief were given in Ireland, you would propose education to children receiving that relief. Are you aware, that by the machinery of national education, as carried on in that country, the patrons of schools have the power to recommend for gratuitous relief at the national schools any pauper children?—I am quite aware of it. I have been a patron myself.

2894. Mr. *Cheetham.*] I believe you have no power of removal in Ireland at all?—None.

2895. Is not the state of Belfast, as regards its facility for employing labour, very much upon a par with the manufacturing districts of England?—It is.

2896. Have you ever found that any superabundance of labour in the south of Ireland has availed itself of that market in Belfast for employment?—I apprehend that the majority of the persons who work in the mills are persons who have come from some distance. Originally the population of Belfast and its neighbourhood was almost exclusively Scottish and Presbyterian, whereas I am informed by competent witnesses that the majority of the population in Belfast is now Roman Catholic; but I am not enabled to state accurately from what distance they came. I should not think they came from the farthest south-west points of Ireland, but it is a gradual attraction from the neighbouring districts at a lesser or greater distance.

2897. So that, in point of fact, that state of things in the north of Ireland has not been attractive to the labour of the south of Ireland?—I should think it benefited the south in this way, that the persons who went at a certain distance had their places again filled up from localities beyond, so that like throwing a stone into a pond it undulates through the whole mass. Though it is not absolutely the persons from the furthest point who have come to that point of attraction, yet the vacuum so made has been filled up by persons at a greater distance.

2898. I understand your view of the whole of this question, from your experience in Ireland to be, that the interests even of the English ratepayer would not be damaged by the abolition of the law of removal?—That is my strong opinion, formed after a great deal of consideration.

2899. Might they not be considerably damaged by the recurrence of such a state of things as occurred in 1847, in Liverpool, for instance?—Certainly; but the question assumes that such a state of things will occur again, which, humanly speaking, I do not believe.

2900. Have you any suggestion to meet that state of things should it occur again, taking the extraordinary position of Liverpool, at that time?—I do not think it desirable to legislate for remote, and I must venture to say, exceedingly improbable contingencies. I find that the existing state of things did not protect them; I find that during that great misfortune the law of removal, as regards the place where it would chiefly tell, namely Liverpool, was of no use whatever to them; it broke down under the pressure.

2901. Mr. *Maguire.*] Is it within your knowledge that the population of Ireland

Ireland has diminished by 2,600,000 odd since 1846 up to last year?—Yes, and no doubt that diminution has been chiefly among the classes who apply for relief: it is not merely a diminution of one in four, but it is a diminution probably of two-thirds of the class who are likely to be recipients of relief.

2902. Mr. *Cheetham.*] I think you stated that were the power of removal abolished in this country, it would improve the administration of the Poor-law?—Should the power of removal and of settlement be abolished in England, as regards the United Kingdom, I fancy it would leave the administration of the law much as it found it in the greater part of England; but should districts be found in England where the amount of workhouse accommodation is imperfect, or its arrangements and classification not perfect, I apprehend that the ratepayers would find it to be their interest to increase such accommodation, and to increase the stringency of the workhouse system. I make these remarks chiefly from having had the opportunity of seeing a copy of Mr. Hall's evidence on the state of the London workhouses.

2903. Your opinion is, that it would be necessary to have a more stringent carrying out of the law?—Yes: I speak more particularly in reference to Liverpool, from what I have seen in the evidence. I have no other information; I think, for instance, that it would be desirable to extend the accommodation in Liverpool. In fact, the workhouse system is steadily advancing in the United Kingdom, and is steadily extending in Scotland; it is advancing in England; and it will be found, I have no doubt, ultimately the only safe mode of administering relief to certain classes. I do not, of course, include all classes.

2904. Would it not also be necessary to carry out more stringently the Vagrant Act in this country?—Most certainly.

2905. *Chairman.*] You agree, probably, with the following passage in Mr. Power's evidence at Question 723; he is asked, "Do you think the English workhouse test would be applicable as a means for ascertaining whether a man came to England for the purpose of obtaining relief or employment?—I have no doubt it is very efficient; it works very efficiently at present in England. A different description of inconvenience, I apprehend, would arise from the repeal of this law, from any which has been at present put to me by the Committee; it is connected with the question regarding the workhouse test. A great practical inconvenience, I think, is felt by large communities in England, where there is a great proportion of Irishmen, and it is this: among that population, there is a great number of improvident, worthless, and importunate persons who trouble the parish authorities from time to time. I hear that a great part of the relief which is given in Liverpool is given to their Irish poor; this provision for their removal to Ireland when they fall destitute is a most important and useful check upon those applications, and saves the authorities in Liverpool a vast deal of trouble, I have no doubt, with their Irish poor. I take it, if a poor-law officer of Liverpool were to be examined by the Committee, the inconvenience he would complain of in having this law repealed would be, that he would have those hosts of people thrown upon him, without the means of meeting their applications, except for this threat of sending them home to their own country. The answer I should give to that is, that if they had at their disposal in Liverpool a sufficient amount of workhouse accommodation, as we have in Ireland, properly classified and arranged, they would be no more likely to be troubled with the importunities of Irish poor in Liverpool than we are in Ireland"?—I entirely concur in that opinion.

2906. Sir *J. Trollope.*] You have stated, in answer to a question from the Honourable Member for Lancashire, that the diminution of the population of Ireland is something like one-fourth, being upwards of 2,000,000; have you any statistical information connected with your department to show that two-thirds of that emigration has been of the pauper class?—I think not; in the answer which I gave, I alluded to the extent to which death, among other causes, has diminished the vagrant and the most destitute class; when fever was prevalent over the whole country, no doubt those who chiefly fell victims to it were the poor.

2907. But with regard to the class who have disappeared from the population of Ireland by emigration, has any large proportion of that class been paupers chargeable in Ireland?—A very small proportion indeed; the number of persons who have emigrated at the public cost has been very small.

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2908. With regard to private cost, have not a large proportion of emigrants gone out at their own expense, or that of their friends?—Very large indeed.

2909. Has any proportion of that class been paupers?—They are a class of persons who, I think, had they remained in Ireland at periods of distress, might have been recipients of relief; they very probably were during the famine recipients of relief; it is exceedingly difficult to define who might not have been a recipient of relief during that time of great pressure; and I have no doubt that many persons who have been aided by contributions from their friends would, had they remained at that period, have been inmates of the workhouses.

2910. Has your attention been called to the Report of the Emigration Commissioners on that subject, showing the very large sums of money which are remitted home by friends to enable remaining relatives to join them in America, or elsewhere?—It has.

2911. Has not a large portion of money been expended in removing persons either actually chargeable, or likely to become so?—I should think the majority were not chargeable at that time.

2912. Mr. *Grogan.*] Instances have occurred, however, in which parties who were chargeable have been assisted to emigrate by such means?—Certainly. I think I have some information upon that point; 2,333 *l.* have been received on behalf of workhouse inmates from their friends in America.

2913. Sir *J. Trollope.*] In what year?—In the year 1854; that merely alludes to the very small sum received by persons who were at that time inmates of workhouses; my impression is, that the estimated amount is something like 1,000,000 *l.*

2914. Mr. *Grogan.*] That sum, 2,333 *l.*, to which you refer, was only the amount that was actually ascertained by the Boards of Guardians to have been received by those parties?—Yes, and probably it was a very small part of the real amount.

2915. You infer then that there was money sent to the friends of those parties who might have been out of the workhouse, to aid parties in the workhouse, which did not come to the knowledge of the boards of guardians?—Certainly.

2916. Mr. *Maguire.*] Is it not a fact that a great number of the class called farm servants and labourers were receiving relief in 1847, 1848, 1849, and 1850?—Possibly, but it did not come under my notice; it did not occur in the part of Ireland where I was at that period; I mean persons then employed as farm servants and labourers.

2917. Is it not a fact that from the year 1847 to the year 1850 the poorer class of farmers were reduced to a state of the very greatest distress?—They were.

2918. They were not enabled to pay money wages, and as the food failed they could scarcely buy the coarsest food for the sustenance of themselves and their servants?—That was so.

2919. They were obliged to dismiss those men?—Yes.

2920. Then of course those parties were thrown upon the union workhouse relief?—Yes.

2921. As to emigration; do you think that emigration is likely to increase or to cease; will you give your opinions to the Committee with respect to emigration?—My opinion is, that emigration will gradually but steadily diminish until the motives for persons to emigrate are almost destroyed; so long as a man gains an increased rate of money wages by going to America he will go, especially when his relations are there, which is now universally the case in Ireland; everybody has one leg over the Atlantic.

2922. Do you think emigration will ever cease?—I think not.

2923. Inasmuch as you say there is no family but has a member on the other side of the Atlantic?—Yes.

2924. I believe it is a fact (we have it on official authority) that in six years, from 1848 to 1853, no less a sum than 5,790,000 *l.* was sent by the Irish people in America to their friends in Ireland?—I have always heard it estimated at about 1,000,000 *l.* a year.

2925. Will you just read the figures in the paper before you?—It appears, according to this Return, which is supplied by the Emigration Commissioners, that the sum sent through banking houses and other known channels, not including money sent through private sources, varies from 460,000 *l.* to 1,400,000 *l.*; that is the largest amount in the year 1853; it appears to be pretty

pretty much what I believed to be the average, namely, about 1,000,000 *l.* a year.

2926. A very large annual sum has been sent?—Yes.

2927. And inasmuch as there is a great inducement caused by family ties, and the desire for change and a love of adventure, you think there will be always a certain number of Irish leaving their country for America?—Yes.

2928. Instead of those classes coming to England, they will be induced to go forward?—Yes; I believe the great difficulty which Ireland will have to meet in future is, that it will be, if it is not already, the dearest country for labour; the skilled labour is exceedingly dear in proportion to the amount which you pay for it.

2929. Have statements reached your Board that there is in some districts of the country an actual dearth of labour?—Yes.

2930. So that taking all those circumstances into consideration, you do not fear for the future any great rush of Irish poor to England?—No.

2931. Mr. *Alexander Hastie.*] I think you stated, that in the year 1849 2,100,000 persons were relieved in the workhouses of Ireland?—Yes.

2932. Can you state the number for 1850?—I cannot give you the amount of out-door relief for other years; I can easily forward it to the Committee, if they desire to have it. I gave simply the in-door relief for successive years, but not the out-door relief.

2933. Do these cases represent separate persons?—Yes.

2934. Can you give the number of removals from England and Scotland to Ireland?—I cannot, for this reason, that we have no official means of arriving at that fact. Persons removed from Scotland and England are landed at certain ports called schedule ports; should those persons not apply for relief, we have no means whatever of ascertaining their numbers; a considerable proportion, no doubt, do not apply for relief.

2935. Have you any means of ascertaining the number of Scotch and English paupers receiving relief in Ireland?—I am not aware of the number at this moment; some information was laid before this Committee during the last Session of the numbers; I had not sufficient time to prepare myself with returns of that nature, which could be obtained only by communication with the clerks of unions. I had no anticipation of coming before this Committee.

2936. *Chairman.*] You could obtain that information, I suppose?—Yes, easily; but it requires some considerable period of time, and my period of preparation was exceedingly short; three or four days.

2937. Mr. *De Vere.*] You are aware that in some cases Boards of Guardians have paid for the emigration of a number of their paupers, with the sanction of the Poor Law Commissioners?—Yes.

2938. Have you seen the reports which have been received from Mr. Buchanan, the Chief Emigration Agent at Quebec?—Yes; and also those which have been received from Australia.

2939. Is it not the fact that those reports state that those paupers, upon arriving at a place of employment, have been immediately absorbed in the labouring population?—Yes, the information is very favourable; it has been chequered; some of the earlier reports were not so favourable; but they speak much more favourably of the Irish emigrant than they used to do, as if he had improved, especially with reference to persons who have been inmates of workhouses.

2940. You were asked in case the law of removal were abolished, how you would guard against the recurrence of such a state of things in England as occurred during the Irish famine, and you stated that it was very unlikely, from the altered condition of the country, that such a state of things should recur; if it should recur, should we not look to the diminution of the population in Ireland, to the increased means of employment in Ireland, to the increased sources for the relief of pauperism, and to the improved machinery for the relief of pauperism, as means for meeting that exceptional case which has been suggested to you?—Certainly.

2941. Mr. *Alexander Hastie.*] Had the boards of guardians power to pay for the emigration of those paupers?—They had.

2942. When those paupers arrived in America, were they received by the authorities without any money payment?—They receive about 1 *l.* a head on landing, which is usually paid by arrangement into the hands of the Govern-

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ment Emigration Agent at Quebec, Mr. Buchanan, who provides for their removal into the interior of the country; to Canada West.

2943. Then they have been sent to the colonies, and not to the United States?—The greater part of the emigration is to Quebec; when it is to the States the money is usually paid over to the captain of the vessel; in some way or another we generally endeavour, as far as we can, to see that the landing money for the conveyance of the pauper from the port to the interior is applied to the pauper at the actual place of landing, inasmuch as persons of that class, unaccustomed to money, are apt to squander it, and fall into a state of distress.

2944. Are you aware that the American Government will not receive those paupers without a certain amount of head money being paid in case of their becoming chargeable upon the poor-rate?—I am; I think there is some legislation on that subject before the American legislature now, if I remember rightly.

Alfred Austin, Esq., called in; and Examined.

A. Austin, Esq.

2945. *Chairman.*] WHAT office do you hold in connexion with the English Poor Law Board?—One of the Inspectors of the Poor Law.

2946. Who were formerly designated as assistant commissioners, I believe?—Yes.

2947. How long have you held that office?—Since the beginning of 1843. In 1843 I was appointed an assistant commissioner for the central district of England round Birmingham, comprising Warwickshire, Worcestershire, Monmouthshire, part of Oxfordshire, part of Gloucestershire, part of Northamptonshire, and part of Buckinghamshire.

2948. What was the next district?—In November 1845 the superintendence of the manufacturing district was given to me.

2949. That was the great manufacturing district of Yorkshire?—Yes; that district comprises Lancashire, the West Riding of Yorkshire, the north-east part of Derbyshire, and the north-east part of Cheshire; and I had also the East Riding of Yorkshire; I held that district till April 1851. Since April 1851 I had nothing to do with any district, or the business of an Inspector as regards the inspection of a district, until last summer, when, in the absence of my colleague, Mr. Hall, for some few months I superintended with Mr. Cane, a gentleman in the Poor Law office, the metropolitan district.

2950. Since 1851 I believe you have been Inspector, having the superintendence of the whole Poor-law audit system of the country, throughout England and Wales?—Yes; and since 1851, consequently, I have not come in contact with the practical administration of the Poor-law in any part of England till last year, when for a few months I was in the metropolitan district with Mr. Cane.

2951. Have you had occasions for considering the working of the law of removal, as regards the Irish poor?—It has frequently been forced upon my attention in superintending the administration of the Poor-law, more particularly in Lancashire and the West Riding. I was in Lancashire at the time of the great immigration of Irish in 1847, and had a great deal to do with the arrangements made at Liverpool, for the purpose of meeting the destitution of the vast crowds of Irish who came at that time to that town.

2952. Have you formed an opinion as to the practicability of abolishing the power of removal of an Irish pauper?—I have no doubt that the power might be abolished, but it has always appeared to me, and it still appears to me, that it cannot be abolished without a considerable addition to the burthens of English ratepayers. Although the pauperism of Ireland has become greatly diminished, no doubt, of late years, there is still a considerable mass of pauperism in Ireland, as is indicated by the number of inmates in the workhouses. Considering the diet, and the stringency of the discipline of those workhouses, and considering what has been stated by many of the witnesses before this Committee that the Irish have an extreme dislike to go into the workhouses, it seems to me that there is a considerable body amongst the Irish people who are in poor circumstances, although perhaps just above the condition of those who are forced to go into the workhouses. I cannot but infer from those facts, that there must be a considerable amount of poverty in Ireland. If the law of removal is abolished, I see no means of preventing the transfer of that pauperism from Ireland to England; and there seems to me considerable inducement, on the part of Irish paupers, to come over here, namely, the more liberal treatment

treatment in the workhouse, and the existence of out-door relief to a very great extent, which I understand does not exist in Ireland. Those two circumstances together seem to me to afford a very strong inducement to Irish paupers to come to England.

2953. Do you believe it possible to alter the English system in such a manner as to bring it to uniformity with the Irish in that respect, namely, to a system of in-door relief exclusively, and to such a system of relief in the workhouse as you have heard described?—No, certainly not. I do not think that out-door relief could be abolished or much diminished in England; and I do not think that in-door relief could be very much reduced below what it is now.

2954. It has been suggested here by Mr. Power, in the evidence read just now, and adopted by Mr. Senior, that all that the Liverpool people would have to do to protect themselves would be to introduce a different system of workhouse accommodation, properly classified and arranged, and that in that way the whole apprehension of danger from Irish pauperism might be obviated. In the first place, do you believe that it would be possible in Liverpool to introduce the system which is contemplated?—In the first place, I suppose that the out-door relief must be discontinued in Liverpool altogether; and in the next place, that the treatment of pauperism in the Liverpool Workhouse must be reduced to that of the pauperism in the Irish workhouses; I do not consider that it is possible to cease giving the present amount of out-door relief in Liverpool, or to reduce the treatment of the paupers in the Liverpool Workhouse at all materially below what it is now.

2955. Will you state any other reasons which occur to you upon which you found your opinion as to the inexpediency of abolishing the power of removal?—The great reason is, the one which I have already given, that there will be a transfer of Irish pauperism to England; and I think, moreover, beyond the inducement offered to the pauper by the superior treatment which he would receive in England, it would be aided probably by private assistance very much, which is not now the case, because private assistance is useless. Paupers coming here and requiring relief are now sent back again from Liverpool; at least they were when I had the superintendence of Liverpool, and there was very little inducement therefore for any pauper to come after the Act of 1847 was put in operation, or for any one to afford him assistance to come.

2956. I observe you take a distinction between the Irish labourer and the Irish pauper; is that one which has forced itself a good deal upon your attention?—Yes, I am speaking only of Irish paupers; that is, of the poorer part of the Irish population. I apprehend that the question hardly touches the Irish labourer; he comes here, and does not throw himself upon the rates if he remains here; if he belongs to that class of Irish labourers who come over here merely to get in the English harvest and so on, he comes here and goes away again; I am not at all afraid of that class; the class I am afraid of is the poorer class of Irish; that class which is now in the Irish workhouses, or just above it and kept out by the stringency of the treatment in the workhouse, but who I think would accept the workhouse accommodation in England, or would receive out-door relief.

2957. Do you think that if it were announced to-morrow at Manchester and Liverpool, where we understand there is a very great pauper Irish population, that the law of removal was at an end, it would have any material effect?—I have no doubt that it would; the present law deters a vast number of Irish people in Manchester and Liverpool from seeking relief; I think it makes them trust to their own resources for support.

2958. You think that, as far as they themselves are concerned, there are certain benefits attendant upon the existence of the law of removal?—I think that is a benefit of itself.

2959. Making them rely upon their own resources?—Yes.

2960. Do you apprehend that there would be a discontinuance of that to a great extent if it were known at once that this power of removal was done away with?—I think very likely there would to a very great extent. When the 9th & 10th of Victoria was passed, the law which prevented removal after a residence of five years, we know perfectly well that all over England a great number of persons threw themselves upon the rates, who before that time had kept off the rates. I believe it is in evidence here, that in Liverpool alone the relief of the Irish was 16,000 *l.* a year during that time.

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2961. In what year?—After the passing of the Act of the 9th & 10th Victoria.

2962. With reference to that Act, have you any observation to make upon the subject of the area of residence bearing upon this question?—I do not think that the question of area materially signifies, so far as the Irish labourer is concerned, unless you can enlarge the area very considerably, and that would be attended with very great difficulty indeed; if you only enlarged it so as to make it co-extensive with the union, I do not think he would get anything by it. Take, for instance, the union of Wirral, which lies next to Liverpool; that is a considerable union, composed of two or three parishes in which the Irish live, and the rest of it is agricultural. I do not think the extending of the area of residence of these Irish to the whole of the Wirral Union would be of the slightest use to them; they do not want to go and live in the rest of the union for any purpose; there is very little labour for them there; their labour is confined to the docks at Birkenhead and Wallasey, and the places adjoining where they live now.

2963. Taking the case of a large union like the City of London, in which there are 96 or 98 parishes, would it not make a considerable difference?—No; though there are 96 or 98 parishes in the City of London, the area is very small; I think there are only 400 acres; there is no great reason for a labourer residing in so small an area changing his residence to be nearer his work.

2964. You think that there would be no material improvement in the condition of the man by taking the whole union for irremovability as compared with the present state of things?—For the reason which I have just given, I do not think the Irish labourer wants the area of the union for any purpose; I think it might be different in the case of a town. For instance, adjoining Liverpool there are Toxteth Park, West Derby, Everton, and other very large townships; it might perhaps be of service to an Irishman to reside in one of those places rather than another, but I think there is a difficulty which would attend the enlarging of the area, because those places are not under the jurisdiction of the same Poor-law authorities; there would be considerable difficulty attending the tracing of the residence of an Irishman, when a question arose as to whether he had actually resided within the enlarged area five years or not.

2965. With regard to the term of residence, what do you say?—I am not disposed to diminish it materially; I do not see any great reason for diminishing that period; I think if it were rendered much shorter, for instance, a year or two years, it would enable a large number of Irish by supporting themselves during a year (perhaps they might get through a year; they cannot get through five years) to throw themselves upon the rates permanently afterwards.

2966. Have you had occasion to consider the subject of the appeal which is given by the present Act of Parliament against an improper removal?—Merely in reference to one point, that is, as to the power of appeal being given to the Poor-law Board in England; I think that should be transferred to the Irish Poor-law Commissioners; it seems to me to place the English Board in a false position with regard to the respondents. The Poor-law Board at present have authority to make inquiry into every matter concerning the administration of the Poor-law, and consequently into any question regarding the removal of an Irish pauper; the information which they can obtain by that power, they would be obliged to use against the very persons from whom they had extracted it on an appeal; that seems to me to be a position of embarrassment to the Poor-law Board, which can be got rid of by transferring the power of appeal to the Irish Poor-law Commissioners.

2967. That very difficulty has arisen in some cases, has it not?—I believe so. I am not practically aware of any such case. I remember a case which was very likely to arise in Leeds, where instructions were upon the point of being given to me to obtain information, and that information would have been used by the Poor-law Board upon the appeal, which would have occasioned great discontent, of course, on the part of the Poor-law authorities in Leeds. I think, in that respect, the present law of appeal might be altered with advantage.

2968. Is there any suggestion which you would make, as to inquiries into irregularities attending removals?—I have had two or three inquiries of that sort myself into irregularities.

2969. Official inquiries?—Yes; and it has occurred to me that it would be advisable if somebody could be present representing the interests of the complaining

plaining parties in Ireland. I have felt it inconvenient that there was nobody officially present. I think it would be very advisable if there was some Irish official in England who could watch those inquiries for the satisfaction of the public in Ireland.

2970. You mean in each of the large towns?—Yes.

2971. With regard to the arrangements for removals, how do you think they should be made?—I think it would be better if those arrangements were made by the Poor-law Board in the first instance, instead of by the justices, as they are now.

2972. In that case there would be greater uniformity, I suppose?—Yes; and I think the Poor-law Board would be in a condition to make arrangements more suitable to the subject; that they would understand it better.

2973. Is not that a power analogous to what they have already with regard to pauper emigration?—Yes.

2974. With regard to the examinations to be taken before the magistrates, does anything occur to you upon that point?—I think it has happened that more than one Irish pauper, who has been removed, has complained of his examination not being taken properly before a magistrate; that it has been taken privately beforehand, or has been filled up by some person in private, and consequently that it has afterwards been taken as a mere matter of form before the magistrate. I think, in all these cases, it would be very advantageous if the examination were actually taken *vivâ voce* by the magistrate, and committed to writing at the time.

2975. Would you have copies of the examination, and the order of removal, forwarded to any Irish authority?—I think it would be very important to record the documents which attended the removal. I cannot imagine any better mode of doing that than by copies of them being sent to the Commission of the Poor-law in Ireland.

2976. A copy of the order of removal and the depositions?—Yes.

2977. The examination in every case?—Yes.

2978. Do you not think that that might operate as a valuable check upon any inaccuracy in taking the examination?—Yes, I think so.

2979. Is there any other suggestion with which you can favour the Committee?—No; I am not aware of any.

2980. Mr. *Cheetham.*] You have had considerable experience in the South Lancashire district?—Yes.

2981. Have you noticed that the immigration from Ireland of late years has been less into that district than previously?—It was falling off when I left the district, early in 1851; I have had nothing to do with the district since that time.

2982. Assuming that to be the fact, and taking also the fact which has been stated before the Committee of the improved condition of Ireland, are you still of opinion that it would not be safe, as regards the interests of the English rate-payers, to abandon the power of removal of Irish paupers?—I do not think it would; I am not at all apprehensive of any recurrence of what took place in 1847. I apprehend that the state of the Irish population at present, and probably for some time to come, whatever may happen, rebuts that; but what I am afraid of is this: that the abolition of the power of removal would, in the regular course of things, cause the Irish pauper to come and be relieved in England instead of being relieved in Ireland, for this reason, that he would have the chance of being relieved out of doors; and, secondly, that if he were relieved in-doors, he would be relieved in-doors here better than he is in Ireland.

2983. At present the threat of removal hangs over him, and prevents his application for relief?—To a very great extent; I have no doubt that a great number of the Irish pauper class do come over here upon the speculation of supporting themselves as well as they can here, and if they cannot support themselves by mendicancy, of falling upon the poor rates; probably there is a large class of Irish of that sort always in England, and upon that class the law of removal operates very strongly, I think; it represses it very much; it restricts it within limits.

2984. Then you are of opinion that no stringency, as regards the workhouse test, would be enough to act as a safeguard?—I do not think it is possible, looking to the ideas of English people upon those subjects, that we can reduce our workhouses to the level of Irish workhouses; I have no personal acquaint-

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ance with anything in Ireland, and therefore I take my idea of Irish workhouses from what I have read in the evidence before this Committee.

2985. Practically, it would not be possible to make any distinction between the Irish and the English paupers?—I think not.

2986. Would an improvement, in respect of a greater stringency in carrying out the vagrant law, avail?—No; I do not think it would touch the class that I am speaking of; our vagrant law simply makes begging an offence; it does not make the asking for relief an offence; and the class that I speak of are the destitute, or pretty nearly destitute, who would seek relief, and the vagrant law would not touch them therefore. Probably a more stringent carrying out of the vagrant law might repress the mendicancy which still exists in Liverpool and other towns, where the Irish population is large, to a certain extent; but it would not prevent the existence of destitute Irish people in those places.

2987. You would not interfere with the existing law which secures the privilege of irremovability to an Irishman after five years' residence?—No, I do not see any great reason for diminishing that time of five years.

2988. There is nothing in the existing state of the English law which prevents an Irish labourer moving about in any part of England where labour may be in demand?—Nothing at all, that I am aware of.

2989. *Chairman.*] Is there anything which prevents an Irishman more than an Englishman moving from one part to another?—No, not that I am aware of.

2990. Mr. *Maguire.*] But if he do remove, does not he lose his protection for five years?—Yes. I am answering the question as it is put to me; I know of no law to prevent an Irish labourer moving about England.

2991. In fact, there is nothing to prevent an Irishman from incurring a serious penalty?—(No answer.)

2992. Sir *J. Trollope.*] The Irish labourer is not placed in a worse position by that law of irremovability than the English labourer, is he?—No.

2993. Is he not placed precisely in the same position as the English labourer here who has resided five years continuously?—Yes, without a settlement.

2994. *Chairman.*] And he may gain a settlement here?—Yes.

2995. Mr. *Cheetham.*] Has any complaint ever come under your notice from any of the manufacturing districts regarding the operation of that five years' settlement, if we may so call it?—Yes, I think I have heard at boards of guardians that people rather complained of it; that it threw an amount of relief upon the poor's rates which otherwise would not have happened.

2996. I suppose you are aware that there was a good deal of alarm, when the law was changed in that respect?—I do not know that there was a great deal of alarm. People anticipated what actually happened, that there would be an increase in the number of the persons who became chargeable; which was the fact.

2997. Sir *J. Trollope.*] Did not a considerable number of Irish residents in England, after the passing of that law, become chargeable, who had not been so before?—Yes, I believe so.

2998. And that was the apprehension which was felt by boards of guardians in England, that it would have that effect?—They apprehended that English paupers would also become chargeable as Irish paupers, in consequence of that Act.

2999. In fact, it operates prejudicially upon the ratepayers, as regards the natives of both countries?—Yes.

3000. If the law of removal were entirely abolished, both in England and in Ireland, would it be practicable to carry the Poor-law into execution, under the present system of out-door relief in England, as regards the Irishman, no out-door relief existing in Ireland?—Yes, it could be carried on.

3001. But would there not be a great increase in burthens?—Yes; I think it would be a great inducement to Irishmen to come over here.

3002. Under such circumstances, would it not be advisable either to reduce the amount of the relief of the English poor, or to raise that of the Irish, so as to assimilate the mode of relief in both countries?—I do not know what might be done in Ireland; I do not think we could very much reduce the amount of out-door relief in England; I have no acquaintance with Ireland in any way. I can only speak of England. I do not think you could reduce the out-door relief very materially in England.

3003. Mr. *Cheetham.*] Was not out-door relief prohibited upon the introduction of the Poor-law in England?—Only to a certain class of paupers, the able-bodied.

3004. And afterwards it was modified?—I believe it was; that was before I had anything to do with the Poor-law. I believe the prohibition was more extensive at first than it is now; but that was many years before I had anything to do with the administration of the Poor-law; the prohibition extends now merely to able-bodied paupers, with very considerable exceptions even in their case.

3005. You would not recommend going back to that earlier stage?—I think not; I do not think the public feeling in this country would permit it.

3006. *Chairman.*] And that would not be at all equal to the Irish system of exclusively in-door relief?—No.

3007. There has never been a state of things in this country anything like the exclusively in-door system of Irish relief?—Nothing at all that I am aware of; nothing since I have been connected with the administration of the law.

3008. Mr. *Smollett.*] It would be impracticable?—Yes, I think so; the public opinion being so clearly against it.

3009. Mr. *Ingham.*] You think that a shorter period than five years would not suffice, in order to prove that a person came here as an industrious man, and not as a mendicant?—Not so short a period as a year or a couple of years, I think, or even three years.

3010. How do you think that a person could subsist for three years with the small means which an Irishman brings over with him, excepting by industry?—I believe they may support themselves a good deal by mendicancy, and that they may support each other a good deal. I think it is quite possible for a person of that class to get on for a year or two, without falling on the poor's rates.

3011. You think that they might get through two years without having recourse to industry, and without applying for parish relief?—Yes, partly by industry and partly by mendicancy, and so on.

3012. Would it be partly by industry whenever they had employment?—Yes.

3013. Should you treat a person as fit to be removed if he showed a disposition to take employment whenever he could get it, if you found that he was out of employment merely by physical obstruction, such as frost?—It would depend upon how far he had resorted to employment to support himself.

3014. Suppose you found that he was capable in point of bodily strength, and anxious in point of disposition, to support himself by labour when he had an opportunity, should you think it right to turn him off if he had been resident for three years?—Perhaps not in a particular case, but you must have some general time fixed as a rule. I do not think you can inquire into each particular case.

3015. Then the magistrates having a discretion, you think they ought to provide for such cases by the exercise of that discretion?—They have a discretion which I think frequently meets those cases; but I think in passing a law upon the subject of residence, you must lay down a period.

3016. You object to having that period abridged from the present extent?—I should not like to see it materially abridged.

3017. Do you think three years' residence would be an adequate time to test the disposition of a man to support himself?—I think five years is a better test than three years, if it is to be an industrial residence.

Lunæ, 14° *die Maii*, 1855.

MEMBERS PRESENT.

Mr. Baines.	Lord Naas.
Mr. Dunlop.	Mr. Alexander Hastie.
Sir Robert Ferguson.	Mr. Grogan.
Mr. Maguire.	Mr. Cheetham.
Mr. De Vere.	Mr. Smollett.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

James Taylor Ingham, Esq., called in; and further Examined.

J. T. Ingham, Esq.

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3018. *Chairman.*] WHEN you were examined the other day, I believe you omitted to state a fact relating to the treatment of the Irish poor within your district of the Thames Police Office, which you now think it may be interesting to the Committee to learn, as bearing upon the present inquiry; will you have the goodness to state it?—During the late frost the doors of our court were besieged by a large army, I may call it, of persons out of employment; my colleague and I relieved them out of the funds of the court for two or three days, as far as we could. When it became evident that the frost was likely to continue, and that there would be no work for some time, I sent down to the clerk of the Board of Guardians of the Stepney Union, to request that he would inform me what the Board were doing with respect to the poor generally. He came up, and I had an interview with him. He then stated that a great number of additional relieving officers had been appointed, and that the instructions given to them were, that all persons who appeared to be in distress should receive relief without any questions being put to them. It became necessary to discontinue the relief at the court, and no doubt many hundreds of Irish labourers must have been daily relieved by the Board of Guardians during eight or ten days, or possibly a fortnight. I believe that not one single order of removal was applied for in consequence of their chargeability, although it is obvious that the Board might, if they had thought proper, have taken that opportunity of applying for orders with respect to very many families. I think it only justice to the Board of Guardians of the Stepney Union to make this statement; I believe also, that the Board of Guardians of Saint George's-in-the-East acted entirely upon the same principle, and I am confident that no orders for removal were applied for in consequence of the state of things which was thus created. It is not important perhaps for the Committee to know that my colleague and I sent for the clergy of all denominations in the district, and placed a sum of money in their hands, and among others we sent for three Roman Catholic priests, and gave them 10*l.* a piece, to be distributed among their poor. I merely state that, as showing that, so far as we and the inhabitants of that district generally are concerned, there is really no difference made as to the treatment of the Irish and the English poor.

3019. Yours we understand from your former evidence to be one of the most important districts in London, so far as regards the number of Irish; as I understand you, throughout that district during that period of time you think that the Poor-law was administered in a very considerate and humane spirit towards the Irish as well as others?—I think so.

3020. Mr. *Grogan.*] It was considered that that was an unusual period of distress, and that it was not a time to put in force the power of removal?—I think so; the Board of Guardians appear to me to have acted in a very liberal and proper spirit, both of Stepney and of Saint George's-in-the-East.

3021. It was exceptional with regard both to the circumstances and to the mode of treatment?—Decidedly; usually a person cannot obtain relief without a variety of questions being asked; and if the Board of Guardians thought proper they would require the person to go into the House; but on that occasion the instructions were to relieve everybody who appeared to be in distress. *J. T. Ingham*, Esq. 14 May 1855.

Harry Burrard Farnall, Esq., called in; and Examined.

3022. *Chairman.*] WHAT office do you hold in connexion with the English Poor Law Board?—I am one of the Poor Law Inspectors. *H. B. Farnall*, Esq.

3023. How long have you held the office of Inspector under the Poor Law Board?—Seven years.

3024. What was the first district in which you were stationed?—The south of Wales.

3025. What counties did that comprehend?—It included the whole of the south of Wales, with the county of Hereford.

3026. To what district did you then go?—The Midland district; that included Derbyshire, Staffordshire, Lincolnshire, the East Riding of Yorkshire, and parts of Cambridgeshire.

3027. What was your next district?—The one which I hold at present; the commercial district of Lancashire and the West Riding of Yorkshire.

3028. That is a district, I believe, which comprises the seats of the great woollen and cotton manufactures, and other manufactures, besides being a great mining district?—Yes; I can give the Committee the names of the unions.

3029. Will you be good enough to do so?—There are 46 of them, viz., Ashton-under-Lyne, Barnsley, Barton-upon-Irwell, Blackburn, Bolton, Bradford, Burnley, Bury, Chorley, Chorlton, Clitheroe, Dewsbury, Eccleshall Bierlow, The Fylde, Garstang, Halifax, Haslingden, Huddersfield, Keighley, Lancaster, Leeds, Leigh, Liverpool, Manchester, North Bierley, Oldham, Ormskirk, Pateley Bridge, Penistone, Prescot, Preston, Prestwich, Rochdale, Rotherham, Saddleworth, Salford, Settle, Sheffield, Skipton, Stockport, Todmorden, Wakefield, Warrington, West Derby, Wigan, and Wortley; there is also a Gilbert Incorporation, called the Caton Incorporation, but as I never receive any returns from that incorporation I have not much to say upon it.

3030. What is the aggregate population of your district?—According to the last census, it was 3,118,950.

3031. Can you give the Committee the total net rateable value of the property in that district?—In 1852, the net rateable value was 9,064,839 *l.*

3032. Have you informed yourself so as to give the Committee information as to the average per-centage of pauperism of your district on its population, in the year ending Lady-day 1853?—In February 1853, there were 14,282 in-door paupers, and there were 86,050 out-door paupers; making a total of 100,332; that is, $3\frac{3}{10}$ths on the population.

3033. Can you give us a statement of the cost of the two kinds of relief respectively?—The average cost of an out-door pauper per annum in that district is 3 *l.* 11 *s.* 5 *d.* and a fraction; of an in-door pauper it is 5 *l.* 10 *s.* 5 *d.* Taking that as the mode of multiplying the cost, the in-door relief cost 78,852 *l.* 16 *s.*; and the out-door relief cost 307,495 *l.* 10 *s.* 8 *d.*: that was for relief alone; but there were other expenses, such, for instance, as the salaries of officers, and the expenses of overseers, and the interest upon loans, building workhouses, and legal expenses, which amounted together to 142,213 *l.* 7 *s.* 9 *d.*; making a total of 528,561 *l.* 14 *s.* 5 *d.*: that would be 1 *s.* 2 *d.* in the pound on the net rateable value of the property.

3034. Do those figures enable you to form any judgment as to the average pauperism in your district, as compared with that of England generally?—The pauperism of the district has fluctuated very considerably at different periods; for instance, in February 1846, there were 106,062 people upon the books; in 1847, there were 132,098; in 1848, there were 196,132; in 1849, there were 173,544; in 1850, there were 136,703; in 1851, there were 120,907; in 1852, there were 116,744; in 1853, 100,332; in 1854, 112,743; and now, in 1855, 131,634. Those numbers are exclusive of vagrants.

3035. What do you infer from those figures as to the decrease or increase of pauperism in the district within the last few years?—Whenever the mercantile interests of that district are in a prosperous condition, the pauperism of the

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district is considerably less; if anything interferes with that prosperity, the pauperism immediately increases.

3036. Exclusive of that consideration, there would seem to have been a decrease in the time that you have stated?—There has been altogether a decrease, and at this moment the pauperism of that district is on the decrease.

3037. Last winter has been a very severe one, has it not?—Last winter was a very severe, and the pauperism rose to a very great amount; for instance, in the 11th week of the last quarter there were 158,314 people on the books receiving relief; but in the very next week there were only 143,108, so that 15,206 paupers went off the books in one week; then again in the first week of the June quarter there were 136,168 on the books; so that altogether 22,146 came off the books in a very few weeks, owing to the weather being more clement and mild.

3038. Have you before you a statement of the total number of paupers on the books of your district on the 1st of April 1854?—I have.

3039. Have you divided that into English, Irish, and Scotch paupers?—Yes.

3040. Will you be so kind as to state to the Committee the result of your inquiries?—On the 1st of April 1854 there were 102,901 paupers on the books; of these paupers 88,261 were English, 13,940 were Irish, and 700 were Scotch; those may also be divided into in and out-door paupers. Of the total number, which I have already named, 87,513 were receiving relief out of doors, and 15,388 of them received relief in-doors; I have also before me a division of how the English and Irish and Scotch stood with regard to their in-door and out-door relief.

3041. Be so good as to give us that?—There were on the 1st of April 1854, of the 88,261 English receiving relief, 76,019 out of doors, and 12,242 in-doors; of the Irish, of whom there were 13,940, 10,915 received out-door relief, and 3,025 received in-door relief; of the Scotch, of whom there were only 700, 579 had out-door relief, and 121 had in-door relief.

3042. Can you give the Committee the different per-centages of English, Irish, and Scotch pauperism, on the total pauperism of the district at that time?—The English pauperism was $85\frac{8}{10}$ths per cent. on the pauperism of the district; the Irish $13\frac{5}{10}$ths, and the Scotch $\frac{7}{10}$ths.

3043. How do the per-centages stand upon the total population of the district?—On the population of the district the English were $2\frac{8}{10}$ths, the Irish $\frac{5}{10}$ths; the Scotch were so few, only 700 on so many millions of population, that the proportion is scarcely divisible.

3044. Then the English were more than double the per-centage of the Irish?—That is on the entire population; I do not speak of it on their own population, but on the entire population of the district.

3045. Do you know how it is upon their own population?—I know it in Manchester and Liverpool, where the Irish reside principally; there is the union of West Derby, which abuts upon Liverpool, and it is almost impossible to get at the distinct Irish population in both places; but taking the two together, Liverpool and West Derby, there are close upon 50,000 Irish people; in those two unions in the first week in April 1854, there were of Irish paupers 5,254, so that $10\frac{5}{10}$ths of the Irish population were pauperised; if you take the English population of both places, it amounts to 357,418, and there were on the first of April 1854, 12,678 English paupers, so that there were $3\frac{6}{10}$ths per cent. of the English pauperised.

3046. Mr. *Dunlop.*] Have you the Scotch?—The Scotch pauperism is so extremely small that it is not divisible. With regard to Manchester, there again the unions of Chorlton and Salford abut upon the city of Manchester, and it is almost impossible to separate the Irish population of the three places. I find, upon inquiry, that the number of Irish labourers in those three places is about 46,000. In the first week in April 1854, 4,201 of those were paupers; that is to say, $9\frac{1}{10}$th per cent. of the Irish population were paupers. Of the English in Manchester, Chorlton and Salford, there was a population of 352,307, and they had 9,416 paupers, or $2\frac{7}{10}$ths per cent. of their population.

3047. *Chairman.*] Going on with your general table, can you show the Committee the total annual cost in relief of the Irish paupers, distinguishing the cost of in-door and out-door paupers?—Taking the same mode of calculating, supposing the in-door paupers and the out-door paupers to cost the same, although

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at present they cost rather more in consequence of the price of provisions being higher, but presuming that that is the average cost, the Irish out-door paupers of the district cost 39,004*l.* 1*s.* 5*d.*, and the in-door Irish paupers cost 16,700*l.* 10*s.* 5*d.*, making a total of 55,704*l.* 11*s.* 10*d.*, which is $1\frac{3}{8}d.$ on the net rateable value of the district.

3048. Was that the annual cost for the year ending 1st April 1854?—That is the annual cost of these paupers, presuming that the number entered on the books on the 1st April 1854, shall show the general average, and I believe it will.

3049. How is it with regard to Scotch?—The Scotch cost, out of doors, 2,069*l.* 5*s.*, and in-doors, 668*l.* 5*s.*, making a total of 2,737*l.* 10*s.*, or $\frac{1}{8}$th of a penny in the pound on the net rateable value.

3050. Now the English?—The English, out of doors, cost 271,649*l.* 2*s.* 11*d.*, and in-doors 67,586*l.* 0*s.* 10*d.*, making a total of 339,235*l.* 3*s.* 9*d.*, or 9*d.* in the pound. Then there are, of course, other expenses connected with the management of this, for those figures apply simply to the money which was expended in food and clothing; the other expenses amount to 142,213*l.* 7*s.* 9*d.*, to be divided amongst all. That includes all salaries and a variety of other charges, and that sum would be covered by a payment of $3\frac{3}{4}d.$ in the pound, once collected during the year.

3051. Have you any other general observations regarding your district as a whole, which you think it desirable to bring before the Committee with reference to their present inquiry?—I find that speaking comparatively, with the rest of England, this district always stands well for if a comparison is made, as I have it before me, per head on the population looking at the expense in that way. I find that in England and Wales in 1850 the relief was 6*s.* 1*d.* per head on the population, but in this commercial district in 1850, it was $4s.\ 8\frac{1}{4}d.$ In 1851 England and Wales shows $5s.\ 6\frac{1}{2}d.$ per head; but Lancashire and the West Riding, $3s.\ 6\frac{3}{4}d.$ In 1852 England and Wales had an expenditure, per head, of $5s.\ 5\frac{1}{2}d.$, but this commercial district only $3s.\ 6\frac{1}{8}d.$ In England and Wales in 1853 it was 5*s.* 6*d.* per head on the population, whereas in the district which I inspect it was only $3s.\ 4\frac{3}{4}d.$

3052. Mr. *Cheetham.*] Can you give the last year, 1854?—I cannot. Perhaps the Committee would like to know that we have workhouse accommodation for 22,008 paupers, and our number in June 1854 was 15,388 in those houses, leaving us room for 6,620.

3053. *Chairman.*] That is for the whole district?—Yes.

3054. Which are the particular parts of your district, where the Irish are found to be most numerous, and where, consequently, the present question is most important?—In Liverpool and Manchester they reside in the greatest numbers.

3055. What other parts of your district would you mention?—In Bradford there are a great many; in Leeds there are a few; and in Wigan there are a few; but the great majority are in Liverpool and Manchester.

3056. In regard to Liverpool, I think you have already given the Committee the total number of Irish paupers, in-door and out-door, on the Liverpool books on the 1st April 1854?—Yes.

3057. Will you repeat those figures?—On the Liverpool books there were on the 1st of April 1854, 14,150 paupers; of these 9,424 were English; there being 2,358 of them receiving in-door relief, and 7,006 of them receiving out-door relief. Those 9,424 are $66\frac{6}{10}$ths per cent. on the pauperism of Liverpool. Then of the Irish pauperism there were, in-doors, 1,115, and out of doors, 3,296, making a total of 4,411; in other words, there were $31\frac{2}{10}$ths per cent. of the pauperism Irish in Liverpool. Of Scotch there were 44 in-doors and 271 out-doors, making a total of 315, or $2\frac{2}{10}$ths per cent. on the pauperism of Liverpool.

3058. Have you the means of stating the total annual expenditure in relief alone on the Irish paupers, in-door and out-door, at Liverpool?—The numbers I have just named would cost altogether 52,227*l.* 8*s.* $3\frac{1}{4}d.$, because the English alone would cost 34,822*l.* 3*s.* $2\frac{1}{2}d.$, or $7\frac{7}{8}d.$ in the pound on the net rateable value of Liverpool. The Irish cost 16,326*l.* 11*s.* $6\frac{1}{2}d.$, or $3\frac{5}{8}d.$ in the pound; and the Scotch, 1,078*l.* 13*s.* $6\frac{1}{4}d.$, or $\frac{1}{4}d.$ in the pound on the net rateable value of Liverpool; that net rateable value was in 1852, 1,062,671*l.* per annum.

3059. Can you show the Committee the per-centage of Irish pauperism on the 1st April 1854 in the township of Liverpool and the union of West Derby?—

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In the township of Liverpool and in West Derby there were, on 1st April 1854, 5,254 paupers; therefore, that is $10\frac{5}{10}$ths per cent. on their own population.

3060. Is there any other observation which you wish to make with regard to that matter?—I have before me a paper which shows the removals from Liverpool.

3061. Will you state the number of Irish paupers removed annually to Ireland for six years?—I have it for five years, and half the year 1854; this is for Liverpool alone. In 1847, 15,000 Irish paupers were removed; I have left out the year 1848, because it was not a year on which one can very well reckon.

3062. That was the great year?—That was the year of great pressure upon Liverpool, and it will afford no material, I think, for forming a judgment; but in the years 1850, 1851, 1852, 1853, and 1854, the following numbers were removed from Liverpool to Ireland; 7,627 were removed in 1850, from Christmas to Christmas; in 1851, 7,808; in 1852, 5,506; in 1853, 4,503, and in part of 1854, 4,505. The cost of the removal I calculate at 5*s.* a-head, which I believe is very near the mark; that would be 6,361 *l.* to remove all those parties.

3063. Can you tell the Committee how many of those were people who had not resided one year in Liverpool before their removal?—Of the 7,627, who were removed in 1850, 7,160 had not been one year in Liverpool; in 1851, of the 7,808, that were removed, 7,374 had not resided one year in Liverpool; in 1852, of the 5,506 removed, 5,095 had not resided one year; in 1853, of the 4,503 removed, 4,193 had not resided one year; in other words $93\frac{6}{10}$ per cent. of the total number removed in 1850, 1851, 1852, and 1853 had not resided one year in Liverpool.

3064. Can you give any information to the Committee as to the number of Irish paupers who were removed at their own request?—I have had several conferences with the Liverpool authorities, and with members of the vestry, and I have ascertained that all the paupers who are removed from Liverpool, almost all of them are removed at their own request, and that will account for the great numbers who have not resided in Liverpool, for they have passed through various parts of England; many of them have failed in their different undertakings, and have returned to the port of Liverpool as the nearest and easiest mode of getting back to Ireland, and they are from thence removed by the Liverpool guardians.

3065. What proportion should you say were removed at their own request?—I am given to understand by the officers of the select vestry of Liverpool, that almost all these paupers are removed at their own request.

3066. Have you no particular figures upon that subject?—I have received from Mr. Evans information, that not more than four or five of the whole number objected to being removed.

3067. What is the system pursued by the select vestry at Liverpool, as to testing the necessities of Irish paupers?—When an Irish pauper or an Irishman requires relief, he applies to the relieving officer; the relieving officer asks him a variety of questions, and if he considers that his necessities should be met by parochial relief he gives him an order to go into what are called the sheds, which is a portion of the building attached to the Liverpool workhouse. There they go in at six o'clock in the evening, and remain during the night, and do a task of work in the morning; they are fed, and then they are turned out at about 10 o'clock in the morning; they remain wandering about Liverpool all day and come in again at six at night, and the same process goes on until they are removed.

3068. Do you conceive that system to be one capable of improvement?—I consider it very capable of improvement; I believe that the permission to go out again, the mere sleeping, as they do in those sheds, is an inducement to them to seek to be relieved by the Liverpool guardians.

3069. What would you suggest to be done which is practicable?—I think that the test of the workhouse should be really applied; I think that they should be received within a portion of the workhouse, and that the usual rules and regulations of workhouses should be enforced with regard to them, as in the case with all other in-door paupers.

3070. It has been suggested here, that you might so increase the accommodation in Liverpool, as to do away entirely with the necessity of removal as a test

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of pauperism, is it your opinion that that is practicable?—I consider it impracticable, in consequence of the very fluctuating condition of the pauperism of Liverpool; they have workhouse accommodation at the present moment for 2,345 at their workhouse, and 1,250 at the schools, making a total of 3,595. Now in April 1854 there were 3,517 within their workhouse; they were nearly full.

3071. Have you the means of showing the number of passengers who arrived at Liverpool from Ireland between 4th February 1853 and 31st December 1854?—I have carried it down to a further date than that; I have the means of showing the number of passengers that arrived from Ireland from the 4th February 1853 to 31st March 1854, and then from 3d February 1854 to 31st March 1855. In the former period 185,163 deck passengers arrived, and in the last period named, 161,668; so that there was a decrease of 23,495. Then of passengers who were apparently paupers in the first period 74,831 arrived, and in the latter period only 7,366; so that there was a decrease of 67,465; in other words, $90\frac{9}{10}$ths per cent. decrease.

3072. That is a very great decrease in the time?—Very great indeed.

3073. Have you the means of showing the number nationally classified of English vagrants, Irish vagrants, and vagrants from other parts relieved during the weeks of the quarter ending June 1854?—There were 4,536 English vagrants relieved, there were 4,175 Irish vagrants relieved, and there were 1,012 Scotch vagrants relieved, making a total of 9,723.

3074. Will you give the per-centages?—That would be $46\frac{6}{10}$ths as far as the English are concerned; $42\frac{9}{10}$ths for the Irish; and $10\frac{5}{10}$ths for the Scotch.

3075. By "vagrants," you mean tramps?—Yes; that would include all the Irish who go to the sheds and are removed; they are all classed in the same way.

3076. So much as to Liverpool. Can you give the Committee information with regard to Manchester; is not that again a place where this question is of great importance?—Yes; there the Irish are very nearly upon an equality in numbers with the Liverpool Irish population. In April 1854 there were 9,507 paupers on the books of the Manchester township or city; of these 5,786 were English, 1,535 of them being in-doors, and 4,251 out; so that $60\frac{9}{10}$ths of the pauperism of Manchester was English. Then of the Irish, there were 831 in-doors, and 2,823 out of doors, making a total of 3,654; in other words, $38\frac{4}{10}$ths of the pauperism of Manchester were Irish. With regard to the Scotch, there were 15 in-doors, and 52 out, making a total of 67; they were, therefore, $\frac{7}{10}$ths on the pauperism. The cost of the English in-doors and out of doors for the year, calculated upon the same amount of expenditure as I have already named for in and out door paupers, was 24,757*l.* 11*s.* 1*d.*, or $8\frac{3}{4}d.$ in the pound. The cost of the Irish would be 15,505*l.* 15*s.* $8\frac{3}{4}d.$, or $5\frac{1}{2}d.$ in the pound; and for the Scotch, the cost would be 284*l.* 1*s.* $10\frac{1}{2}d.$, or $\frac{1}{8}$th of a penny in the pound; the total relief expenditure was 40,547*l.* 8*s.* 8*d.*, or 1*s.* 2*d.* in the pound on the net rateable value of the town, and that net rateable value is 667,446*l.*

3077. Can you give us the per centage of Irish pauperism on the total Irish population of Manchester?—If I took Manchester, Chorlton and Salford together I could do so, as they all unite one with the other; it is impossible to separate the Irish population of the three places; I believe the Irish labouring population, with their children, to amount to 46,000 persons.

3078. How do you arrive at that?—I called on several of the Roman Catholic priests, and ascertained the amounts of their congregations from them; I also went to other gentlemen whom I was recommended to see, who knew a good deal of Manchester and its people, and from them I received this information. There are a great many more Catholics in Manchester than 46,000; that I was also informed of by the gentlemen upon whom I called, but then they are Lancashire and Yorkshire families, who cannot be classed with the Irish population.

3079. Can you inform the Committee as to the number of removals of Irish paupers from Manchester for some years?—In the years 1852, 1853 and 1854, the guardians of the township of Manchester took steps to have 5,011 paupers removed, but they only removed 1,153; that is to say, only 23 per cent. of the whole were so removed, for 3,858 refused to be removed, and took themselves off the relief lists.

3080. Do you mean by leaving the place?—No; I am informed by the magistrates of the town that they became self-supporting; they heard no more of them;

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them. I have given the total number for the years 1852, 1853 and 1854, but if I separate the years it will come in this way, that in 1852 steps were taken to remove 2,160, and only 337 were removed.

3081. Mr. *Grogan.*] For the same reason?—For the same reason; so that 1,823 were not removed; then in 1853, steps were taken to remove 1,515; of these only 362 were removed, therefore 1,153 were not removed. In 1854 steps were taken to remove 1,336, but 454 only were removed, so that 882 were not removed.

3082. Lord *Naas.*] Did all those who came under the head of not being removed refuse to go?—Those refused to be removed, inasmuch as they removed themselves from the relief list.

3083. That was the only reason they were not removed?—That was the only reason; no longer being paupers they were not removed.

3084. *Chairman.*] Of those removed, can you tell us what proportion there were who had been resident less than one year in Manchester?—Taking the year 1854 as a test of that, 454 were removed. Of these, 283 had not resided one year; 66 had not resided two years; 57 had not resided three years; 27 had not resided four years, and 21 had not resided five years; so that 62 $\frac{3}{10}$ths of those removed had not resided one year in Manchester.

3085. Can you show us the total number of Irish, English and Scotch vagrants relieved in Manchester during the years 1853 and 1854?—In the year 1853 there were 5,249 Irish vagrants relieved, and in 1854, 3,518, that is 33 per cent. less. Of English there were 4,473 relieved in 1853, and in 1854, 3,292, which was 26 $\frac{4}{10}$ths less. Of Scotch there were 647 relieved in 1853, and in 1854, 388, being 40 per cent. less. Of Welch, there were 108 relieved in 1853, and in 1854, 64, or 40 $\frac{7}{10}$ths per cent. decrease. There were 10,477 relieved altogether in 1853, and 7,262 in 1854, which is 30 per cent. less, and a little more.

3086. Have you similar information with regard to Bradford?—I have some information with regard to Bradford.

3087. You say that that is a place where this question is very important. What information can you give the Committee about Bradford?—Bradford is a union in which the pauperism has very materially increased lately, in consequence of the worsted trade being in a very depressed condition. In the year 1853 the pauperism of Bradford only amounted 1,174, which was 1 $\frac{7}{10}$ths per cent. on its population, and now the pauperism of Bradford was 6 per cent. upon its population. With regard to the English, Irish and Scotch paupers, on the 1st April 1854 there were 3,406 upon the books altogether; of these, 2,429 were English, or 71 $\frac{3}{11}$ths per cent. of pauperism; 945 were Irish, or 27 $\frac{7}{10}$ths of it; and 32 were Scotch, or $\frac{1}{10}$th only. The cost altogether of the English paupers in and out was 12,846 *l.* 3 *s.* 1 *d.*; that of the Irish, 4,991 *l.* 5 *s.* 5 *d.*, and that of the Scotch, 161 *l.* 10 *s.* 1 *d.*, so that the English required 1 *s.* 2 $\frac{1}{2}$ *d.* in the pound on the net rateable value of Bradford to afford this relief; the Irish, 5 $\frac{5}{8}$ *d.* in the pound, and the Scotch $\frac{1}{8}$th of a penny only. With regard to the Irish paupers who have been removed from Bradford, the accounts have not been kept in such a way as to enable me to state that with very strict correctness, excepting with regard to a few years, which I have. In 1848, 1849, 1850, 1851, 1852 and 1853, 650 Irish paupers were removed during the whole of that period, being about 108 per annum. Of English, in the years 1851, 1852, 1853 and 1854, 396 were removed, or 99 per annum.

3088. Have you a statement of similar information with regard to Leeds?—On the 1st April 1854 the total pauperism of Leeds was 3,674. Of these 3,211 were English, being 87 $\frac{4}{10}$ths of the pauperism; 435 were Irish, which is 11 $\frac{8}{10}$ths of the pauperism, and 28 were Scotch paupers, or $\frac{8}{10}$ths per cent. of the pauperism. The English relief, in and out, cost 13,846 *l.* 7 *s.*, which is 1 *s.* 1 $\frac{1}{4}$ *d.* in the pound on the net rateable value of Leeds, that net rateable value being 267,217 *l.* The Irish cost 1,874 *l.* 3 *s.* 6 *d.*, which is 1 $\frac{5}{8}$ths in the pound. The Scotch cost 128 *l.* 1 *s.* 8 *d.*, or $\frac{1}{8}$ths of a penny in the pound. I may say that the cost of these paupers is calculated on the average cost of the Leeds paupers; not on the average cost of the district.

3089. Can you give the number of Irish removals in 1851 and 1852?—The Irish removed from Leeds for two years, Lady Day 1852, were 155.

3090. What proportion of the Irish removals were of persons who had been less than one year resident in Leeds?—Fifty-three of those 155 had not resided

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one year; that is, 34$\frac{8}{10}$ths per cent. of them; 47 had resided under two years, and 55 under three.

3091. Mr. *Grogan.*] Have you the removals for 1853 and 1854 for Leeds?—I have not; they were not able to furnish me with them.

3092. What is the total of the Irish population of Leeds?—I have not been able to ascertain it.

3093. *Chairman.*] Can you supply the Committee with similar information as to Wigan?—On 1st April 1854, in Wigan there were 2,828 English paupers, and they cost 9,648*l.* 7*s.* 4*d.*, or 11$\frac{1}{2}$*d.* in the pound on the net rateable value of that union, which amounts to 200,752*l.* Then there were 422 Irish paupers, and their cost in-doors and out of doors was 1,531*l.* 15*s.* 9$\frac{1}{2}$*d.*, or 1$\frac{3}{4}$*d.* in the pound. There were no Scotch paupers on the Wigan books at all.

3094. Lord *Naas.*] Have you the numbers who were removed, and the numbers who refused to be removed?—No; and I was informed by the clerk that very few removals took place at Wigan at all.

3095. How is that accounted for?—The magistrates have a discretionary power, and they exercise it at Wigan; they do not remove so freely as they do in Liverpool or Manchester.

3096. Are you aware of any reason which guides the magistrates in that decision?—No; I am not aware of any particular reason why the magistrates should decide in that way.

3097. *Chairman.*] You have given the Committee already an account of the workhouse accommodation of your district?—We have accommodation for 22,008 in the whole of the workhouses, of which there are 65.

3098. What is the whole amount of the pauperism of the district?—The pauperism varies very much. I see that in very good times we have about 100,300 paupers on the books; sometimes it fluctuates to 130,000. I have known the pauperism as high as 196,000; and during the late very inclement winter which we had, besides that usual pauperism, we had a vast amount of extra pauperism thrown upon the books; for, upon the ninth week of the March quarter, as compared with the same week in the prior year, there were no less than 37,215 extra paupers thrown upon the books of five unions alone, namely, Liverpool, Manchester, West Derby, Bradford, and Keighley.

3099. Can you mention to the Committee the number of Irish extra paupers; do you know how it was in Liverpool, for instance? What you call extra paupers were those thrown upon the rates by the severity of the weather, were they not?—Yes; men could not work out of doors. The extra pauperism in Liverpool alone was 18,765; 2,953 of these were English, 15,290 were Irish, 262 were Scotch, 224 were Welch, and 36 were aliens, foreigners.

3100. The Irish, according to that, were six or seven to one of the English extra paupers?—Yes.

3101. How was it at Manchester?—At Manchester there was an extra pauperism of 6,957, and of these 2,642 were English, and 4,314 were Irish.

3102. Have you similar particulars for any of the other places?—No; not classed in that way.

3103. Your attention has been, I presume, for some time past, directed to the question before the Committee, viz., the operation of the existing law of removal. Have you formed an opinion as to how far it would be advisable to repeal the law of removal of the Irish?—My opinion is, that it should not be repealed. I believe that the term of residence might be shortened to three years.

3104. Will you state your grounds for thinking that the law of removal should not be repealed?—Because we have no workhouse accommodation in the Lancashire and West Riding district, by which we could test so fluctuating a pauperism even as we have at present of our own, and we give a vast amount of out-door relief, as the Committee will have heard; I think, therefore, that there would be a very great temptation to apply for relief as it would be relief out of doors. I have read the evidence before this Committee, and it would appear that the great proportion of relief is given in-doors in Ireland; whereas, in the district of Lancashire and the West Riding, the great proportion is out of doors, and we have no accommodation at all which will meet anything of the sort in our workhouses.

3105. Do you conceive that the power of removal is an important and

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valuable test of Irish pauperism?—I think so; because, as I have already stated to the Committee, a great many of the poor of Manchester who applied for relief took themselves off the books rather than be removed to Ireland, and I have, as it happens, received, only this morning, a letter from a magistrate in Manchester. I directed his attention to the matter, and he has seen Mr. Maude, the stipendiary magistrate of Manchester, and they have informed me that these people did not swell the list of criminals, though they did go off the books in Manchester.

3106. You have seen it suggested in some of the evidence before this Committee, that one fact, supposed to be the result from the present law, was, that the amount of crime was swelled?—Yes.

3107. Is that the letter to which you allude which you have before you now?—Yes.

3108. Is it from Mr. Rickards, the gentleman who was examined here last year, the vice-chairman of the Manchester Board?—Yes.

3109. Will you be so good as to read it?—"Manchester, May 13th, 1855. My dear Sir,—I have much pleasure in giving you my opinions and experience on the points you have named in your letter in connexion with the effect produced upon Irish cases by threats of removal being held out to them upon their application for relief. I may premise by stating, that the generality of the Irish have a full knowledge of the right of settlement by the five years' residence clause; I may further state, that our officers are not allowed, or do they threaten removal when they have not the power to do so. I am satisfied that no such results as theft and prostitution arise from the cause before named. That the latter would be the case there would be little doubt; but our officers are particularly careful in all cases where the applicants are females. During the last 18 months a large majority of our pass cases have been young women, who have made application to be passed, and in almost every instance their request has been complied with. We do not apply the same rule to men: the fear of removal is one of our best tests. The judicious exercise of this power has the best effect in inducing personal exertion. I am told by our officers that many Irish girls come over to England in expectation of almost immediately getting into domestic service or factory occupation; but, as regards the former, they have little chance of success. Scanty clothing, no reference as to character, as well as having habits opposed to English ideas of domestic management, are the hindrances which prevent their obtaining what they seek. I believe that crime and prostitution among the Irish population exists most among the older residents, As regards removal, English and Irish cases are treated alike by our board. In the periods you name, the result of cases ordered to be removed, but who declined being so, did not show itself in crime. My own experience as a magistrate, confirmed by the much more extended knowledge of my friend Mr. Maude, our police magistrate, is decidedly against any such conclusion. I can speak with tolerable certainty, that for a long period, with the exception of a case, passed by mistake, to a wrong port, we have had no complaint of harsh treatment or illegal irregularity in connexion with our pass cases. Our board are most anxious to carry out in an equitable spirit, the power the law confers upon them; character and contingent probability of gaining a livelihood are generally taken into consideration. We have confidence in the honesty and discretion of our officers, and we have the further advantage, as regards Irish pass cases, of having our proceedings supervised by Mr. Maude, whose judgment always aids, and sometimes corrects our own. What I have said refers to the township of Manchester. I shall be glad to give you any other information in my power. I am, my dear sir, yours very faithfully, *Charles H. Rickards.*"

3110. I believe Mr. Rickards, the writer of that letter, is an extremely intelligent gentleman, and possesses great knowledge upon the subject of pauperism?—Very much so.

3111. Mr. *Cheetham.*] He has given a vast deal of time to the matter, has he not?—Yes; he is vice-chairman of the board.

3112. *Chairman.*] And that board is an excellent board of guardians, is it not?—I consider it one of the best which I have attended.

3113. You were speaking upon the subject of workhouse accommodation; have you read the evidence of Mr. Power here, in which he speaks of the existence of this power of removal as being a most important and useful check upon the great number of improvident, worthless and importunate Irish persons, who

who trouble the parish authorities from time to time; you remember that?—I do.

3114. Do you remember that he suggests that this check might be dispensed with, and that instead of it you might substitute a sufficient workhouse check?—I do.

3115. In your judgment, could a sufficient workhouse check be substituted at Liverpool?—No; I do not think it could, either in Liverpool or in any other portion of the district.

3116. Will you state your reasons?—My reasons are these; on the 1st April 1854 we had 102,901 paupers upon our books, and I have already pointed out to the Committee, that we had of English paupers, in-doors, 12,242; of the Irish in-door paupers we had 3,025, and of Scotch 121. Then the workhouse accommodation left us but a very small balance to meet anything that might arise; and besides that, the fluctuation in pauperism is so great, that in the ninth week of the last quarter we had 50,000 more paupers upon the books than we had in the similar period the year before. Our total workhouse accommodation at the present moment being only for 22,000.

3117. I presume you would not recommend any difference whatever in the treatment of an English and an Irish pauper in an English workhouse?—Certainly not.

3118. You would consider it impossible to carry that out, and very wrong if it could be carried out?—I feel satisfied that the guardians would not consent to carry it out, and it would be very wrong.

3119. For instance, if you attempted to treat the Irish more harshly in the workhouse than the English in the same workhouse?—I think it would be very wrong.

3120. And impracticable with reference to public opinion?—Yes.

3121. That being so, if you had a system of exclusively in-door relief in your district, you would require accommodation for somewhere about 100,000 persons at least?—At least that.

3122. At present you have not accommodation for more than 22,000?—That is so.

3123. In your judgment, would it be possible, looking to the state of public opinion in your district, to obtain that amount of additional workhouse accommodation which would be requisite if you were to have one system of in-door relief?—I think it would be quite impossible to obtain it.

3124. Have you not yourself had very great difficulty in prevailing upon the guardians in different places to build new workhouses?—Very great difficulty; and in some very important unions; for instance, in the Bolton Union, where the workhouse is very inefficient, the guardians have frequently come to a consideration of this question, and have continually rejected any vote to build a new workhouse; the same thing has occurred at Preston, where they have six small workhouses; the chairman very lately himself, without my interfering in any way, pressed upon the guardians the propriety of building a new workhouse, but they refused; and that refusal occurs frequently, and there is no authority in the Poor Law Board to compel it.

3125. In fact, is not the state of public opinion in that vast district such, that the Poor Law Board have never been able to apply what is called the prohibitory order in that district?—Never; it has never been applied in that district, except that there is one small union, Ormskirk, which is an agricultural union, where the prohibitory order is in existence.

3126. With regard to the whole manufacturing portion of the district, I believe the prohibitory order is not known?—No; it has never been introduced at all.

3127. In your judgment could it be introduced?—No, because the stoppage of a few mills in any one town would render it absolutely necessary to give out-door relief; we could not otherwise meet it.

3128. With reference to the dietaries in the workhouses, are you of opinion that there could be any material reduction in the present dietaries of the workhouses in your district?—At the present moment the food is rather high, but usually, when provisions are at an average price, the whole outlay for a pauper's lodging and for his food, and for candles and fire, is not above 2*s.* 1*d.* or 2*s.* 2*d.* per week, and I do not think that could be reduced.

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3129. Mr. *Cheetham.*] That is during the whole of the year?—Yes, taken as the average cost.

3130. *Chairman.*] Do you think you could prevail upon English guardians in your district to lend themselves to any considerable reduction?—No, I am sure I could not; the mechanics and artisans of that part of the world are accustomed to very good feeding; they get very high wages when they are in work, and when they fail they come into our workhouses, and the guardians are well aware of the usual mode of feeding of the people, and the dietaries are fashioned accordingly; I do not believe that it would be practicable to have them reduced. I have copies of a few of the dietary tables before me, if the Committee would like to see them.

3131. Mr. *Cheetham.*] You could not bring down that dietary to the standard used in Ireland?—I am not myself aware of what the standard of the Irish dietary is; we could not reduce it in England.

3132. *Chairman.*] We had evidence given us upon that by a witness, now master of the Liverpool Workhouse, who was formerly master of the Cork Workhouse?—I saw that evidence; supposing that evidence to be correct, I do not think that we could reduce our dietaries to that.

3133. It has been suggested by one witness that you might do away with removal, and at the same time make the Irish pauper chargeable for the amount of the relief given to him upon some union in Ireland, making it a sort of non-resident relief; what is your opinion of the practicability of that?—Non-resident relief is in itself always a very great evil, because the persons who have to pay for non-resident relief have no means of supervision over their non-resident paupers; this has been felt to such an extent, that the Manchester guardians, and other boards, refuse to give non-resident relief; they refuse to have anything to do with it; they are so well aware of the imposition which is practised under non-resident relief, that they will not give any non-resident relief at all.

3134. Mr. *Cheetham.*] Non-resident relief was the system of the old Poor-law?—Yes; and it has been worked in the very populous district in which I am placed very badly indeed, and, as I have said, several of the unions have refused to have anything to do with non-resident relief; they will not pay for their neighbours, even when their neighbours are quite willing to repay them.

3135. *Chairman.*] Having expressed the opinion which you have, as to the inexpediency of repealing the law, are there points in which you think that it is susceptible of improvement, so as to make it work more justly and more humanely?—I think that when it is seen that almost all the poor Irish who break down, break down in the very first year of their residence in Manchester and Liverpool, or certainly in Manchester, and that there are very few who can keep their position for anything like five years, that period might be abridged with safety to three; I think also that if the area of residence were enlarged, it would be a very great benefit. Take for instance, West Derby; there are 23 parishes in West Derby; Liverpool is quite full of inhabitants, and its extra population must be thrust out into the neighbourhood, and it finds its way into West Derby, and to such an extent that at the last census it was found that the increase of the population of West Derby, as compared with the census of 1841, was no less than 75 per cent. Now as West Derby is increasing in this way, and as there are 23 parishes in it, I think that it would be more to the benefit of the labourer, both English and Irish, if he were permitted to make the whole of those parishes his place of residence.

3136. You would make residence in any portion of the union available for the purpose of obtaining irremovability?—I think so, because the proprietors and the men of property, who own the houses, wish to improve their property; they say, "We must take down all these cottages;" and that drives the inhabitants of those cottages into other places, and they are obliged to break their residence.

3137. As to the residences of the poor, you think that that alteration would make a very material difference?—Yes, very great in these large populous manufacturing districts, and I think it would be no bad thing in the agricultural districts, as I think we should have a good many more cottages and habitations for the labourers than now.

3138. It would bring men nearer their work and save them a long walk backwards and forwards in the morning and evening of the day?—Yes.

3139. Would

3139. Would there not be material advantages in that, both to the landlords and to the labourers?—In my opinion it would be a very material advantage, but then I think, that if the area of residence were extended in that way, there should be a common fund for rating the entire area; that it should not be done, as it is now, upon the false principle of averages, but upon the value of the area of the union, on the acreage, and on the rental of the house.

3140. Are the 23 parishes which you mentioned just now, all parishes in the West Derby Union?—Yes; there are many other large places. Bolton has 26 parishes in its union.

3141. Mr. *Cheetham.*] So that, in point of fact, you advocate a union residence and a union rating?—Yes; I think the present mode of rating for the common fund of a union, to make the parishes in it subscribe to a common fund upon the average number of poor, is a very unfair mode of rating, because the poor congregate in one particular locality, and then they are taxed heavily themselves to find a common fund.

3142. *Chairman.*] Is there any other suggestion which you can make with regard to an improvement in the law?—I find, that in removing the poor from Liverpool the select vestry make no difference as to the period of the year. I have a return here showing how many go from month to month, and I find very little difference in it; I am quite satisfied that they must be often removed when the weather is very rough and very inclement. I think it would be a good thing if the Poor Law Board were authorised to make rules and regulations to manage those removals.

3143. Lord *Naas.*] Do you mean as well the English as the Irish removals?—Yes.

3144. *Chairman.*] That is to say, that they should have the same power of making certain regulations as they have in the case of emigration?—Exactly; at present it rests with the magistracy to a great extent.

3145. And you find, I dare say, that the magistrates being uncommunicating benches, they do not agree in their rules, and that they are very inconsistent?—The rules are not the same.

3146. There is not a uniform system?—No.

3147. You think it better that the power should be vested in the Poor Law Board of making certain regulations of that kind, instead of its being in the hands of particular benches of magistrates?—I think so, because I think very likely those rules and regulations would be of a wholesome character, and care would be taken that the poor removed were properly removed, and removed home.

3148. You remember, probably, an opinion expressed by Sir John M'Neill as regards Scotland; he stated that it was very important that the board of supervision there should have that power; you agree in the general views which he expressed upon that point?—I do.

3149. Is there any other suggestion with which you can favour the Committee?—I have been for many years a magistrate myself, and I knew that in removing the English poor I had no power of discretion; I think that if the English magistrates had the same power of discretion in removing an Englishman in the event of the power of removal being retained, as is the case with respect to the Irish, it would be better.

3150. That is one advantage certainly, which an Irishman has at present, that he goes before a bench who have a discretion about the matter, whereas an English pauper has not that advantage?—Yes; I have always looked upon it as a ministerial act with regard to an Englishman.

3151. Lord *Naas.*] What steps do the guardians take to prevent imposture, in cases of applicants in Manchester?—Of course the party who is rendered subject to removal has been an applicant for relief.

3152. I refer to the original application for relief?—The original applicant for relief comes through the applicant himself to the relieving officer, who takes down the whole case in a book from the mouth of the applicant; he then has a discretionary power of giving relief in kind until the Board of Guardians meet. When they meet, the case is brought before them, and if it is an Irish case, the relieving officer is probably asked, "Have you examined the pauper as to whether he has been residing in Manchester for five years or not?" if the relieving officer says, "Yes, I have examined the pauper, and he has not been residing five years in Manchester, and is also a bad character," or as the case may

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may be, then the guardians use their discretion in taking steps for his removal. I am sure that with regard to Manchester, if the person applying was a labourer of good character, and it was merely a break-down for a short time, there would be no attempt made to remove him.

3153. Do you think that those precautions are sufficient to prevent improper persons from obtaining relief?—The Manchester guardians have not been very well supplied with a workhouse test; they have had a very old workhouse for a length of time, and it has not been sufficient for them, but they have now passed a vote to build a new one.

3154. Do you think that the generality of paupers who receive relief in Manchester are destitute persons, and really objects of charity?—I do indeed.

3155. You say that out of 5,111 persons in Manchester, for whose removal steps were taken, 3,858 refused to go, and were struck off the lists?—Yes.

3156. Therefore, if those persons were fit objects of relief, it was practically a denial of relief to more than two-thirds of the whole number of Irish applicants?—Yes, if they were; but I am not prepared to say that they did require relief.

3157. I thought you said that you were of opinion, that the steps which were taken by the guardians and by their officers were sufficient to prevent imposture?—Yes; and therefore these people were ordered to be removed, that being the test which the guardians of Manchester applied.

3158. But they were in the receipt of relief before they were ordered to be removed, were they not?—Probably they would have had some temporary relief in kind from the relieving officer, because he would feel himself bound to give immediate relief, and afterwards to make the best inquiry he could into the different cases.

3159. But he would not give immediate relief, unless he thought that the case was an absolute one of destitution, I apprehend?—No, I presume not; relief must be given immediately.

3160. In most of these cases were steps taken for removal at the same time as the application for the relief, or immediately after?—The immediate practice of the Board of Guardians of Manchester would be to give relief for a short time, and to ascertain whether the persons could get on or not, and if not, to remove them.

3161. Then in fact in the district with which you are acquainted this removal is used as a test?—No doubt of it.

3162. And as a test only?—It is used as a test; not as a test only, because I believe you will find that the great proportion of the Irish who are removed from Liverpool are really removed *bonâ fide* at their own request.

3163. The case must be very different in Liverpool then from what it is in Manchester?—Very much so.

3164. Do you know how many persons have been struck off the lists in Liverpool in consequence of removal having been threatened?—I do not, but the Liverpool vestry scarcely remove their resident Irish at all.

3165. How can you account for a practice so widely different in two such neighbouring towns?—Manchester has a very large population, and for several years the numbers against which they took steps to remove, were not many, I think, considering that population.

3166. We have it in evidence, that in the Chester district they do not remove at all; you say, that in the Liverpool district they remove principally at the pauper's own request, and that in the Manchester district they use it as a test of destitution; so that in three adjacent districts this practice is totally different, though the cases of the paupers may in each district be the same; is not that so?—No, not quite so, because the Manchester guardians remove many at their own request as well as the Liverpool guardians.

3167. Still they threaten to remove a great number who do not wish to go?—Yes.

3168. So that, in fact, out of those three districts, Manchester is the only one where this power of removal is really used as a severe test?—I know nothing of Chester; it is certainly used as a test in Manchester, and with very great effect, because I think it renders many of these applicants self supporting.

3169. You say that it would be impossible in the district with which you are acquainted to apply the workhouse test in sufficient numbers?—Yes.

3170. Could not the workhouse be sufficiently enlarged to increase the test to a great degree, without absolutely providing accommodation for the whole number,

number, or even half of the number receiving relief?—I believe it would be quite impracticable; the guardians would be totally averse to it, and the authority entirely rests with them. I can scarcely, in many of my unions, obtain even sufficient workhouses for the pauperism as it stands.

3171. The number of English in the workhouses far exceeds that of the Irish in those houses?—Yes, because the pauperism far exceeds that of the Irish.

3172. Do you think that the proportion of English and Irish in the workhouse is equal to the proportion of English and Irish paupers?—Yes, I think so. I attend these Boards of Guardians very frequently; I attend their relief boards, and I never saw any difference made in any way with regard to the classes of Irish or English, or Scotch; they are all treated alike.

3173. Do you think that the removal of English paupers is used in these districts as a test, in the same manner as it is with regard to Irish paupers?—In some of them; but there are very few resident English removed from Liverpool. In Bradford there are a great number of English removed, and in many of the parishes a considerable number of English are removed as well as Irish.

3174. Is it used in the same manner as a test?—Yes, it certainly would be a test. There is no expression of that kind at the Board of Guardians; they do not say, "We must use it as a test." The simple mode of action is this: they inquire, "Does the man belong to us," as they express it, "or not?" and if he does not, he is sent away, whether English or Irish, unless he can maintain himself.

3175. Are you aware whether many English paupers have been struck off the list in Manchester, on account of removal having been threatened?—No, I do not believe it is so; I believe there are very few of those removals there.

3176. So that at present removal is used as a test as regards the Irish pauper, but it is not used as a test as regards the English pauper?—It depends upon the condition of the resident English labourer, because he may not apply for relief; or he may belong to Manchester, and they cannot get rid of him.

3177. Practically, an additional test would be administered in Manchester with regard to the Irish pauper, from that used in the case of the English?—Certainly; the power of removal is considered as a test.

3178. Can you account for the statement, that in the cases of the Irish, destitution was not productive of crime; there was a statement made of that kind?—I think Mr. Rickards only went the length of saying, that the persons who were not relieved did not swell the list of criminals. I do not think he would go so far, or at least I would not, as to say that destitution is not likely to produce crime; I believe it is.

3179. How can he make a difference between that class and the general class; poverty invariably produces crime, does it not?—No doubt of it.

3180. How can a distinction be drawn between persons who have only been one or two years resident in the place, and persons who have been there for some time?—I can only state what I have stated before, on Mr. Maude's authority, who is the stipendiary magistrate of Manchester, that the refusal of relief, or the threat of removal, did not make criminals of those paupers.

3181. How can that be accounted for in any way?—It can only be accounted for by the supposition that they maintained themselves by going to work.

3182. Mr. *Grogan.*] In answer to a question put by Lord Naas you stated that Mr. Maude's opinion was that Irish paupers who had been threatened with removal, and who therefore had been in receipt of some relief, but who took themselves off from the lists, did not swell the number of criminals?—Yes; that is the effect of the letter which I have read.

3183. Must not the inference be that the investigation into the circumstances of that pauperism had not been sufficiently accurate?—Yes, at the time it might have been so, because the relieving officer is bound to give immediate relief to the applicant, whether Irish or English; he takes from the applicant's mouth all the information he can get, and gives the relief, and afterwards makes himself master of the case, as well as he can, to bring it before the Board.

3184. In the case of Manchester the paupers are not allowed to change their residence from one parish to another, are they?—Manchester is a single township.

3185. Then are the paupers permitted to reside in any part of the entire township without incurring the liability of removal?—Yes, I believe so; I believe Manchester to be but one township in itself.

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3186. Mr. *Cheetham.*] The parish of Manchester?—The parish of Manchester, and it is the same in Liverpool; Liverpool is but one township.

3187. Mr. *Maguire.*] Except West Derby?—West Derby is a separate union.

3188. Mr. *Grogan.*] The Manchester Guardians would appear to exercise the power of removal in a very moderate manner indeed; do you think that the small number of removals are in any way attributable to the fact that the poor are permitted to change their place of residence from one part to another, and to acquire a livelihood as they best can?—I believe that the entire of Manchester would form one residence as it stands at present, and the same with regard to Liverpool; but all the cases at Manchester are investigated in open court, and I think that a very proper precaution; it is not so at Liverpool; there the magistrates meet in a private room; I suppose if anybody knocked at the door he might be let in, but it is a small room, and the mode of inquiry appears rather close; I never saw any one in that room when I have gone in; I think it very desirable that all those inquiries should be made in open court.

3189. That would be an additional suggestion of yours for the amendment of the present law?—Certainly.

3190. *Chairman.*] That would be highly proper, would it not?—Very proper indeed.

3191. Mr. *Grogan.*] You have stated that in your judgment the present period of five years' residence might be with safety reduced to three?—Yes, I think it might.

3192. Considering the numbers which you have given us, at Manchester for instance, in the year 1852, out of 2,160 threatened removals, only 337 were actually removed; how many of those 337 are you in a position to say had resided one, two, three, or four years?—I am not in a position to give you that information; that was in the year 1852; but I gave you some information of a later date. In the year 1854, there were 454 removed; and of these 283 had resided under one year, 66 under two, 57 under three, 27 under four, and 21 under five years.

3193. Was there anything peculiar in the circumstances of the year 1854?—Not at all.

3194. Was there any stagnation of trade at all?—No; I think you may consider the statement for 1854 as averaging any other year.

3195. It is a fair average?—Yes; I am given to understand so.

3196. Then in fact, 283 paupers being the number who had not resided one year in Manchester and were removed, that was the total number out of a population of 46,000 Irish inhabitants of Manchester?—No, the 46,000 Irish, which I mentioned, reside in Manchester and the suburbs of Chorlton and Salford.

3197. What may be the actual Irish population of the Manchester township?—I cannot get at it; I endeavoured to the very best of my ability to ascertain the resident Irish within the township of Manchester; I saw several of the Catholic clergy, and they could not divide the number for me at all.

3198. Are you able to state what number were threatened with removal from the townships of Manchester, Chorlton and Salford, of which you say that the population was 46,000?—No; I am only able to give information with regard to Manchester itself.

3199. Have you no means of forming an approximate opinion?—I have not; Chorlton and Salford, which abut upon Manchester, are very lightly pauperized; where it would take in Manchester probably 1*s.* 6*d.* or 2*s.* in the pound to relieve the poor, it would not take more than 1*s.* in Chorlton and Salford; therefore that will show that there is not a very pauperized population there.

3200. Possibly that may be taken as something of a fair average representation of the district?—I think it may.

3201. Consequently the number who were actually removed, as not having resided one year in the district, must to the total Irish population be comparatively very small?—Yes, very much so.

3202. In that particular district will there be any surplus poor-house accommodation?—No; there will not be any surplus poor-house accommodation even after the new workhouse in Manchester is built, and the new workhouse which they are now building in Chorlton, and there is a new workhouse at Salford just finished.

3203. What

3203. What is the existing poor-house accommodation in those districts?—The workhouse accommodation for Chorlton is 530; it is 2,175 in the Manchester workhouse; 1,134 in the Manchester schools; in Salford it is 796.

3204. That is the existing workhouse accommodation in those three districts at present?—Yes.

3205. You said that two of the districts were going to enlarge their poor-house accommodation?—Manchester is about to build a new workhouse, and Chorlton is also building a new workhouse.

3206. When those new workhouses shall be completed, what will be the poor-house accommodation in the three districts?—I should think when those two workhouses are completed, somewhere about 2,000 more could be accommodated.

3207. Are you of opinion that, with that greatly increased power of offering the workhouse as a test, there would be any serious ground for apprehending that such a number as 283 or 330, or 340 of Irish who had not resided one year in the place could not be provided for, and that imposture could not be guarded against?—My opinion is, that it would not be practicable to test the pauperism in that way; the guardians themselves, in building these workhouses, never contemplated anything but testing their own pauperism.

3208. At present they do not offer the workhouse as a test?—Sometimes they do when they can, when the workhouse is not full; but even when the new workhouses are completed; the guardians are building them at the present moment without any reference to the prohibitory order being introduced in any way.

3209. Under existing circumstances, would not the power of offering the workhouse test very greatly tend, in your judgment, to reduce the number of these poor?—Certainly; it would tend very materially to reduce the numbers; the more workhouse accommodation you have, and the more you use the test, the more likely you are to reduce the numbers.

3210. And consequently the necessity of removal?—And consequently the necessity of removal.

3211. Will you take Liverpool; you have given us the number of removals from Liverpool for the last four years, and the number who have not resided for one year?—Yes.

3212. In 1850 the number removed were 7,627?—That is so.

3213. Of whom 7,160 had not been resident for one year in the district?—That is so.

3214. What workhouse accommodation have they in Liverpool at this moment?—They have room in their workhouse for 2,345 people, and in their schools for 1,250, making a total of 3,595.

3215. Are you aware whether they have it in contemplation to increase that?—No; they are just finishing a very large, new, and commodious workhouse; when it is completed, I think it will hold a few more than that, but not to be of sufficient service for what is suggested.

3216. The 716 people who had not resided for one year in Liverpool, and who were removed in the year 1850, of course included that fluctuating population to which you have referred, which is accommodated in the sheds?—Yes.

3217. Supposing it possible that they should have been put under the ordinary discipline and residence of a poor-house, is there any reason whatever to doubt that the whole 7,627 would not have been removed?—Yes; I have reason to doubt it, because they are removed at their own request; they come there for the purpose of being removed.

3218. *Chairman.*] From different parts of England?—They come from different parts of England; they arrive in England through the port of Liverpool, and they go away to seek for work. Sometimes they fail in getting work, and sometimes they require to return to their own country, and they come back to Liverpool for the purpose of being removed, and they ask to be removed.

3219. Mr. *Grogan.*] Does not that merely arise from Liverpool being the great port from which vessels pass to all parts of Ireland almost daily?—No doubt of it.

3220. They are a class of people who should rather be considered as vagrants than as regular paupers?—I do not know that they should be classed as vagrants; they are people who have failed to get work when they wanted it, I believe with every intention and inclination to work if they should find it, but as they have failed from a variety of causes, they are desirous to return home.

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3221. You do not consider them any part of the regular population of the district?—No.

3222. Is not Liverpool an exception to any other town in the kingdom?—I do not know whether Bristol is in the same position, for I am not sufficiently acquainted with Bristol and Hull, and Southampton and other places, but as far as Lancashire and the West Riding go, Liverpool is quite a distinct union, and all its operations are so, as regards its Irish pauperism.

3223. It is entirely exceptional in that district?—Quite so.

3224. With regard to Hull, must it not from its geographical position be an exception?—Yes; excepting that if at Hull they wished to remove, they would remove, I suppose, from their own port. I do not know how that would be; it would be cheaper probably, but it would be a very long voyage.

3225. With regard to the position of Southampton, would not the same remark apply, that from its geographical position, Liverpool would certainly be the port to which paupers going to Ireland would be sent. Is not Liverpool the general port for the whole kingdom?—I think, probably, the Southampton removals would take place through Bristol. I do not think that Liverpool is the port for the whole of England.

3226. Then Liverpool and Bristol you consider are the two exceptional ports of the whole kingdom?—I think so.

3227. Do you happen to know the number of persons that respectively leave those towns for Ireland?—I do not know at all.

3228. You mentioned that in your district you had workhouse accommodation for about 22,000, and that the actual number of paupers was somewhere about 15,000, leaving a balance of accommodation, say for 6,000 unoccupied?—Yes.

3229. In what districts principally is that vacant workhouse accommodation?—In Ashton-under-Lyne there would be a very considerable vacancy, and at Barnsley and other important unions.

3230. What may be the number of Irish removals from Ashton-under-Lyne?—I have not been able to make myself acquainted with that; I took the precaution before coming here to make myself acquainted with the different states of pauperism in the unions which were most burthened with Irish, and in these other unions that are lightly burthened I did not take the precaution to do so; I can give the per-centages for all the unions.

3231. Then I understand you, that the accommodation for 6,000 in the workhouses to which you refer as not being at present occupied, is in those unions most lightly burthened with pauperism?—Yes.

3232. But that in the large towns where the greatest number of Irish removals have taken place they have no surplus workhouse accommodation?—None at all.

3233. Consequently they are perfectly disabled from applying the workhouse test?—They are to a very great extent, and very frequently.

3234. You have stated that you are in favour of retaining the power of removal?—Yes.

3235. Of course that applies indiscriminately to paupers of all countries?—It does.

3236. Why have you fixed upon the period of three years' residence?—In consequence of these figures which I have given you, showing that if these poor people break down at all they break down in the first or second year; therefore, I think, it would be quite safe at the expiration of that period.

3237. It would be perfectly safe with a three years' residence?—That is my opinion.

3238. You have stated to us the numbers who have been threatened with removal; the numbers who have taken themselves from the poor lists under such a threat, the numbers that have been actually removed, and the numbers who have not been one year resident in the place; are you of opinion, taking all these circumstances into account, that one year's industrial residence would not be a fully sufficient test of actual destitution, or danger of charge to the English rates in the case of Irish paupers?—I must say, that as to both Irish and English, my opinion is, that that would be too short a period.

3239. Mr. *De Vere.*] Have you not said, that, in the great majority of cases, those who are not able to support themselves, break down in the first year?—Yes; 63 per cent. at present.

3240. Then

3240. Then if the great majority of the cases of those who are unable to support themselves break down in the first year, why do you require three years as a test?—I think it would be too short to have one year. It is true the figures show that the great majority break down in the first year, or rather that they have not been resident in the towns for one whole year. Still, I think it would be an unsafe position both for the ratepayers and for the poor themselves so to shorten the residence.

3241. Why would it be unsafe, if, according to your own principles, it would be an accurate test?—At the present moment, it would be impossible to say whether, if they struggled hard to maintain themselves, they could not get through one year; I think they could.

3242. Then when you reject one year as the period of residence, you are legislating for the exceptional cases, and not for the great mass?—Yes, as the case stands at present, I am.

3243. Have you any reason to suppose, that, for the future, the proportion of cases would become less favourable to my view of the case?—I think, if it was fixed that one year's residence should be a sufficiency to gain irremovability, a number of persons, who are at present pauperised in Ireland, might attempt to reside one year in England, with the view to obtain out-door relief.

3244. You have spoken a good deal about the proportion which Irish pauperism bears to the population; you have shown that it bears a much larger per-centage than English pauperism bears to the population; what is the nature of the work which the Irish do?—In Liverpool, the nature of their work is about the docks. I do not think that that is a fair comparison to make, because the Irish population are themselves poor; whereas, in the English population, I reckon all the wealthy as as well as the poor together. There is not the same number of wealthy Irish people to assist them as we have wealthy English to assist the English. I do not think it is a fair comparison, but at the same time that is the state of the case.

3245. Supposing you were to institute a comparison between the proportion of Irish pauperism and of English pauperism, as compared, not with the general population, but with the working population in each case, what would be the result?—I am not prepared to say, for I have not been enabled to separate the working classes of these places; I have no data upon which I could go with any degree of safety.

3246. You have said that you do not think it would be possible to increase very largely the workhouse accommodation in this country?—In the district with which I am connected it would not.

3247. Are you at all acquainted with the working of the Poor-law in Ireland?—Not at all.

3248. Are you aware that the pauperism of Ireland is larger than that of England as compared with the population?—I have read the whole of the evidence which has been given before the Committee.

3249. Is that a fact?—It is.

3250. Is it also larger than the pauperism of England, as compared with the rateable value?—That I am not aware of; I do not recollect what evidence was given upon that point.

3251. Are you aware that the test of destitution now almost universally applied in Ireland is the workhouse test?—Yes.

3252. Then if the pauperism of England is less than that of Ireland, both as compared with the general population and with the rateable value, what impossibility is there in applying the same test by increasing the workhouse accommodation?—There is no impossibility in the matter; I think it would be impracticable to manage it; I believe that the ratepayers, or the guardians who represent them, could not be induced in the first instance to make this addition to their workhouses, and in the next instance, I do not think they would adopt in-door relief as a test; they are very much averse to it in England; the workhouses at the present moment, in my district at all events, are asylums for the aged and infirm, and for the reception of orphan and deserted children, and we have very few other classes within the workhouses; they will not use it as a test, they do not like it excepting where the pauper is idle or dissolute.

3253. You wish to retain the power of removal, because you think it is the best test of pauperism which you can have under existing circumstances?—I believe it to be the best which we have under existing circumstances.

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3254. Do you think it a better test of pauperism than the workhouse test would be, if the workhouse test could be generally applied?—I am inclined to think it is, because many persons who are much degraded by poverty will accept these workhouses and there reside; they must, I grant, be very much debased, and very much lowered, before they will submit to a workhouse life; but there are such persons.

3255. Then you see no impossibility in extending the workhouse accommodation in England, so as to make it a test?—It cannot be said that it is impossible; I believe it to be impracticable.

3256. And you believe it to be impracticable, because it is opposed to public opinion?—Yes, and because such a vast amount of money has been already laid out, and in the opinion of the ratepayers sufficient for the demands made upon them.

3257. Then it comes to this, that you think the amount of workhouse accommodation in England cannot be greatly increased, because the opinion of the ratepayers generally is very much against it?—Yes; it is my opinion, at the same time, that it would be highly injudicious to give nothing but indoor relief to the English poor.

3258. If it should be proved, that the operation of that public opinion was to inflict a great wrong and a severe injury upon a large class of the population, namely, the Irish poor, do you think it is fair to be bound by public opinion, so far as to inflct that injury rather than increase the accommodation of the workhouses?—I should certainly bow to public opinion in England, so far as to permit the guardians of the different unions to give in-door relief or out-door relief, as they might think the cases required; with regard to Ireland, the management of the poor of Ireland I know nothing.

3259. You have said that in case workhouse accommodation was generally adopted as a test, instances might arise such as the stoppage of a particular mill, in which it would be very difficult to provide for the poor in those particular cases; might not there be a sealed order of the Poor Law Board authorizing out-door relief in those particular cases?—There might; but those occurrences come upon us so suddenly and frequently in different towns that it would be a continual issuing of the order and withdrawing it; I have said before, that during the ninth week of the last March quarter we had almost 50,000 paupers extra thrown upon the books of that district; in Liverpool alone they formed a very large addition; no workhouse could have met that.

3260. Mr. *Cheetham.*] Supposing the workhouse accommodation was to be increased, yet if a difference existed in the dietary as between England and Ireland, would not that operate rather as an inducement for a pauper to avail himself of that accommodation here?—It might be so, but I can hardly suppose that any one would incarcerate himself for life for it.

3261. Lord *Naas.*] There is nothing very attractive even in an English workhouse, is there?—There is nothing very attractive, but the dietaries, generally speaking, are very good; the only test which they really have in our English workhouses is that of great order and regularity and cleanliness, which the paupers do not at all like.

3262. *Chairman.*] The discipline?—The discipline is the thing which forms the test; not at all the food; in fact the food is better than they get in their own houses.

3263. Mr. *Cheetham.*] You have stated that there is a very considerable decrease of immigration into Liverpool of Irish labourers?—A great decrease of arrivals.

3264. You do not mean simply paupers, but of all classes?—I mean of all classes; there has been a very considerable decrease, but the great decrease is of the paupers.

3265. But of all classes there has been a considerable decrease within the last two or three years?—Yes.

3266. Can you give the Committee any opinion as to the cause of that; have you formed any opinion upon that?—I have formed an opinion that many of the estates in Ireland have changed hands, and probably have gone into the hands of men with money, and that they have been employing their own people; I know there has been a great degree of emigration by the Irish from their own country to others; there has also been a great deal of disease, and so forth, which may have thinned the population very much.

3267. Looking to those three strong facts, namely, the decrease of immigration into England of Irish labourers, the cause which you have suggested of the more abundant employment in their own country, and the continual emigration to America, are you still of opinion that it would not be safe for the interest of the English ratepayer to abolish this power of removal of Irish paupers?—Yes; because I believe that out-door relief would be infinitely more agreeable to any pauper than in-door relief; and I believe also that a great number of persons, knowing that the power of removal is vested in the guardians, exert themselves to the utmost to obtain a livelihood honestly.

3268. Within the same period as we have been speaking of, the employment in your district has been very abundant for all classes of labourers?—Yes.

3269. There is nothing except, perhaps, the momentary question of the war which is likely to reduce that employment?—There are continual fluctuations in some branch of trade or other in the district.

3270. So that we understand, taking the most favourable view of the case, taking the three points which you have alluded to, and the continued abundant employment in your district, still, with all those points before you, you do not think it safe to abolish this power of removal?—No, not altogether.

3271. *Chairman.*] Not further than you have recommended?—Not further than I have recommended.

3272. Lord *Naas.*] Do you recommend that the same law should exist with regard to Irish as with regard to English paupers?—Yes.

3273. So that if the power of removal was abolished in England, you think it ought to be abolished with regard to Ireland?—I should keep all the good I could get; I have always been of opinion that the law of removal should not be abolished either in England or in Ireland.

3274. *Chairman.*] If it were abolished in England, would not the effect be, that the English labourer could go all about England just as the Irish labourer at the present moment can go all about Ireland?—Precisely, but it might lead to a great deal of vagrancy.

3275. Mr. *Cheetham.*] You have suggested the reduction of the five years' residence to three; was not the establishment of that five years' clause strongly opposed by all the guardians in your district?—I was not then in that district, but I have heard adverse opinions upon that point.

3276. Considerable alarm existed as to the operation of that clause?—Some alarm existed.

3277. Do you know whether those fears have been realized in an increased pressure upon the rates?—Certainly, in the large towns; there are some places which are much in the same position as they were before, but the large towns have suffered.

3278. Then you do not anticipate a strong objection from those parties to your suggestion of reducing the five years to three?—The guardians know now pretty nearly as much as I know about it, and I think they would be prepared to accept three years.

3279. *Chairman.*] You probably remember that opinions have been expressed on that point by Mr. Corder, the clerk of Birmingham; by Mr. Darlington, the clerk of Bradford, and Mr. Cleaver, the clerk of West Derby, in favour of three years; they are gentlemen who would be likely to form a correct judgment?—I think so; they have been long practically employed.

3280. Mr. *Maguire.*] You seem to adopt the opinion expressed by a stipendiary magistrate, if I remember rightly, that the denial of relief does not cause crime?—That it has not caused it in Manchester.

3281. Do you hold that opinion yourself?—I do.

3282. Do not a great many persons apply for relief?—Yes.

3283. I believe in all cases the relieving officers do not take advantage of their distress; they give them a caution, and tell them that if they receive relief, the relieving officers will be under the necessity of sending them to their own country; is not that the caution which is generally and fairly given?—I think that the relieving officer would take the case from the mouth of the applicant, and it would be his duty immediately to grant the relief; but on granting the relief, I think he would state, "You know we have the power to remove you; you have not been resident here for five years, and if you remain on our books, it is very possible that you may be removed."

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3284. In very many, if not in all cases, that knowledge is given to the pauper applying?—Yes.

3285. That communication made to the pauper has frequently and generally had a deterring effect?—Yes.

3286. The paupers have not persisted in their application?—In many instances they have not.

3287. In very many instances?—In very many instances.

3288. I believe in some unions in thousands of instances in the year?—It is very probable.

3289. Is it not very probable that those persons who do apply are in a state of great distress?—Some of them may be in a state of great distress.

3290. May not a very large proportion of them be so?—If they were in a state of very great distress there would be some knowledge amongst the public of that state of distress, especially in Manchester, because it is a single township, and so it is with Liverpool.

3291. I am not speaking of Manchester, I am speaking of the whole country?—I am not able to speak of any other district than that which I inspect at the present moment; I believe myself that public opinion would very soon ascertain whether there had been any hardship inflicted upon those people, and that it would be heard of immediately, and that it would be impossible to get over it, because there is a great degree of liberality and generosity amongst the rate-payers generally; and I do not think that they would at all tolerate such treatment

3292. The fair assumption is, that a very large proportion of those persons who are deterred from pressing their application for relief are in a state of great distress?—They may be in a state of great distress when they apply; but it does not at all follow that on finding that they must be removed from this country they would not exert themselves to earn a livelihood for themselves.

3293. Does it follow that every person so denied relief is able earn a livelihood for himself?—It does not follow.

3294. Then is not the assumption a correct one, that many of them are reduced to a state of great distress in consequence of the denial of relief?—I perfectly admit that it may be so.

3295. If so, what means have they of obtaining the common necessaries of life, unless the woman or the man resort to crime?—The Irish assist one another to a very great extent; there is a great kindliness of feeling amongst them; they generally inhabit the same localities, and I really believe that they generally do assist each other to a very great extent.

3296. That assistance is not equal to the distress, and of course the relief must be provided by some other means?—No doubt.

3297. Then is it not a fair assumption that a person so driven by distress falls into temptation more than another person?—Certainly.

3298. If I remember rightly, a witness last year stated, that in consequence of this denial of relief disease was propagated, especially in Manchester; that the Irish in consequence of this threat of being sent back to their own country, and in consequence of being denied relief, congregated in miserable hovels and originated disease, which did not become known to the authorities, and thus created pestilence which was most costly afterwards to the town?—In answer to that I have only to say, that I have resided in Manchester myself, and I really am not aware that that is the fact; I lived there one year.

3299. When did you reside there?—In 1850 and 1851.

3300. You do not know what the position of things was in 1847, 1848 or 1849?—No.

3301. *Chairman.*] You understood that 1848 was quite an exceptional period?—I did not know that an exceptional period was referred to.

3302. You have been asked as to public opinion. What is the public opinion upon the question of taking away the power of removal of the Irish; has it been a good deal discussed?—It has been discussed in almost every union in my district, and I think I may safely say, that if the guardians were asked their opinion, they would all state that it was not safe to abolish the power of removal.

3303. I speak of Irish removals?—Yes.

3304. Mr. *Maguire.*] From your showing I am to understand, that by the denial of relief on the part of the authorities, they actually throw the burden of the

the destitute Irish poor upon the Irish poor, who are very little above them in condition?—Not altogether.

3305. To a very great extent?—I believe that the Irish very readily assist one another while their necessities exist; but I believe also that there is a vast deal of employment both in Liverpool and in Manchester, and that the very fact of the knowledge, that they are likely to be removed if they apply for relief, urges them to obtain work for themselves. I believe Mr. Maude's statement to be correct, that they do not go into crime.

3306. Mr. *Cheetham.*] It stimulates their exertions?—Yes.

3307. Mr. *Maguire.* Do you believe that the Irish ask for relief without having looked for work, or that the asking for relief is consequent upon the disappointment of their attempts to get work?—I know that the moment the Manchester workhouse is full it is known in the Irish quarter of the City, and they go for relief, being aware that they cannot be put into the workhouse; that is quite a common occurrence.

3308. Do you mean to say, that if the Irish can get work they prefer relief?—No, I do not mean to say that; what I mean to say is this, that they know when the Manchester workhouse is quite full, and then go to the relieving officer.

3309. Do you think that those persons have it in their power to earn their bread by their industry?—I do.

3310. That they have employment ready for them?—Those who come down on all occasions when the workhouse is filled, who come down then, and then only, for relief, I believe have the power of maintaining themselves if they choose.

3311. Did you inquire into those cases yourself?—Not into the individual cases; I spoke to the relieving officer of Manchester on this point, and he informed me that immediately on the workhouse being full he found that a great number of parties applied for relief.

3312. Did you make strict inquiry into the fact whether those persons were really able to support themselves or not?—No, I simply obtained my information from the relieving officer.

3313. I believe you would wish to legislate for the two countries upon the same principle, would you not?—I would.

3314. You wish to retain the law at the present moment against the paupers of both countries?—Yes.

3315. For the protection of the ratepayers?—Yes, and for that of the paupers.

3316. Assuming that the English law is abolished, and that an English workman may go where he likes about the country, without fear of being removed from parish to parish, would you retain this power against the Irish?—I should retain all I could; I believe it to be a beneficial law.

3317. Would it be prudent, as a matter of policy, and would it be fair, as a matter of practice?—The system of relief in the district which I inspect is so very different from the system of relief administered in Ireland, and so much better in its nature, being out-door relief, and in money, that I firmly believe a great number of poor Irish would come over for the sake of that relief alone.

3318. That is your idea?—That is my opinion; out-door relief being so much more agreeable, and the quantity in which it is given being so much greater.

3319. I suppose one inspector's opinion is about as valuable as another's, so that if another inspector says to the contrary, the two may be paired off, one against the other?—I dare say it is so.

3320. Mr. *Cheetham.*] Your district gives you opportunities which, perhaps, no other inspector in the kingdom enjoys?—There is no other district which has the same amount of Irish labour in it.

3321. And probably the same amount of generous relief to the poor?—I think the mode of relief throughout England is the same, because, though the prohibitory order is pretty generally in force throughout England, there are so many exceptional clauses, that it is very rarely brought into operation.

3322. Have all the unions the same strict mode of testing applicants in your district?—They have all either the workhouse or the labour test, and if they have the workhouse, they generally add the labour test to it.

3323. Mr. *Grogan.*] You have stated that the subject, into which we are now examining, has attracted a great deal of attention, on the part of the Boards of Guardians, in the unions with which you are connected?—Yes, it has.

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3324. They are against the abolition of the law of removal?—No vote has ever been taken at any of the boards, but the expressions which I have heard upon it from the guardians, show that they are invariably averse to its repeal.

3325. Have the Boards of Guardians, as far as you are aware, entertained or expressed any opinion upon the subject of the three years' residence?—I have sometimes conversed with them upon that point, and some of the clerks I have seen upon the subject, and I have pointed out to them several of the figures which I have laid before the Committee to-day; it is my impression that three years would be quite sufficient, and I have frequently found the guardians holding the same opinion as to shortening the term of residence.

3326. Then the opinion prevails that the period of residence might be advantageously shortened from five years to three?—It is so.

3327. Has that shortening of the period of residence been coupled in their minds, so far as you know, with an extension of the limit of residence?—Yes.

3328. And it is one of the elements leading to that conclusion?—Yes; it would always be favourably received.

3329. Is it to be considered as one of the elements leading the Boards of Guardians to the conclusion to which you have just referred?—They are in favour of the area of residence being extended, as well as abbreviating the length of residence, because they consider it very unfair that a man's residence should be broken up by circumstances over which he very often has no control.

3330. Mr. *Maguire.*] You have spoken about Irish labour; is there any district in England wherein Irish labour is of more value than it is in the district under your charge?—No; I believe it is of more value in my district than anywhere else.

3331. Could you do without it?—No.

3332. *Chairman.*] You quite agree with Mr. Campbell that the Irish labourers in Liverpool are a most important class?—Yes; and I never met an employer of labour who did not very readily assent to the proposition that he was very much more benefited by Irish labour than he was burthened by Irish pauperism.

3333. The Honourable Member for Limerick asked you whether you might not get rid of a great wrong to the Irish by taking away the power of removal if you would only adopt as an alternative the introduction of one exclusive system of in-door relief into England; would not that be to benefit the Irish at the expense of the English paupers? would not it imply that all the English poor are to be shut up in workhouses who are not at present?—Yes; in answering that question I assumed that both were to be treated alike, and that a strict prohibitory order was to be introduced into this country; to that I say that popular opinion would be very averse.

3334. Mr. *De Vere.*] Then do you consider that the system of in-door relief which has been adopted in Ireland has been adopted injuriously to the Irish paupers?—I am not prepared to say that, because I am not sufficiently acquainted with the subject.

3335. Are you aware that that system of in-door relief has been pressed upon them by the authorities here, and especially by the Poor-law Board in this country?—No, I am not aware of any such thing.

3336. *Chairman.*] Are you aware that any such doctrine has been ever pressed upon the Irish people during the existence of the present Poor Law Board in any way whatever?—Certainly not, not in any way.

3337. Mr. *De Vere.*] Are you aware that it has been pressed upon the Boards of Guardians by the Poor Law Commissioners in Ireland?—I am not.

3338. Would a system of in-door relief in England be more unjust to the English poor, than the system of in-door relief in Ireland is to the Irish poor?—No; it would not be more unjust in itself as the question is put in that simple way, but we have a large population to deal with, who are engaged in fact in a variety of trades, not agricultural labourers only, whose ill health and other things bring them down very rapidly; and I think it would be quite impossible and out of the question to put all those broken down or unemployed people into the workhouse.

3339. Impossible, as regards the state of public opinion?—Yes, and as regards the state of our workhouse accommodation.

3340. You have spoken of the generous mode of relief in this country; I suppose you mean a more generous mode of relief than exists in Ireland?—I understand

stand from what I have read of the evidence here, that relief is all given in-doors in Ireland, and in England a great proportion of it is given out of doors; I think that more generous than giving it in.

3341. Then your expression "generous," applies to the mode, and not to the amount?—Just so.

3342. You have stated, that the average cost of each pauper in your district is 2 *s.* 2 *d.* a week?—Yes, that is the usual amount.

3343. Are you aware that the average cost in Ireland has been stated at 1 *s.* 10 *d.*?—I am not aware.

3344. And that the cost of provisions in Ireland is cheaper than it is here?—The average cost is 2 *s.* 1½ *d.* in my district altogether; in many of the unions the cost is more than that, but in 46 unions that is the average.

3345. Mr. *Smollett.*] That is for food and clothing alone, is it not?—Food and clothing, and coal and candles, and necessaries.

3346. *Chairman.*] It is exclusive of establishment charges?—It is quite exclusive of all establishment charges.

3347. Mr. *De Vere.*] Then it would not appear, that, with regard to the quantity of relief given, there is much greater generosity in the mode of relief in this country than in Ireland?—Not if that is the case. I am not aware of what the cost in Ireland is.

3348. Mr. *Cheetham.*] I think you have already stated that it would be impossible, in deference to public opinion in this country, to prohibit out-door relief?—In my opinion, it would be quite impracticable.

3349. I suppose you draw that conclusion from the nature of the employment in your district?—Yes; and not only from the nature of the employment in my district, but from the feeling of the public generally.

3350. A manufactory is suspended, perhaps, for a month; if you gave no out-door relief, the households of all those workmen must be broken up?—No doubt, and they must go into the workhouse, if they wanted relief.

3351. That state of things, I believe, was one of the main reasons why the attempt made, on the first introduction of the Poor-law, was abandoned?—I presume it was; it never has been enforced in the district which I inspect, and I do not believe it can be.

3352. Mr. *Alexander Hastie.*] Is it not the case that applications for relief are frequently made under false representations of poverty?—Very frequently.

3353. Does not that account for the fact that crime has not been increased in Manchester by refusals?—Very possibly.

Lunæ, 21° *die Maii*, 1855.

MEMBERS PRESENT:

Mr. Baines.	Mr. Maguire.
Sir John Trollope.	Mr. De Vere.
Mr. Ingham.	Lord Naas.
Mr. Dunlop.	Mr. Alexander Hastie.
Mr. Stirling.	Mr. Grogan.
Mr. Archibald Hastie.	Mr. Cheetham.
Sir Robert Ferguson.	Mr. Smollett.

THE RIGHT HON. MATTHEW TALBOT BAINES, IN THE CHAIR.

Sir *Edward Hall Alderson*, one of the Barons of Her Majesty's Court of Exchequer; Examined.

3354. *Chairman.*] I BELIEVE your Lordship has paid considerable attention to the subject of the removal of paupers?—I have; a good deal in former times.

3355. And generally to the subject of the administration of the Poor-law in this country?—Yes, I had a pretty long experience at Sessions before I went to the Bench.

Sir *E. H. Alderson.*

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3356. Those, I believe, were the West Riding Sessions, at which a greater number of cases of that kind were tried than in any other part of the kingdom probably?—At that time; it is not so now, I believe; it is very different from what it was then.

3357. Has the attention of your Lordship been turned to the question which is now before the Committee; namely, the retention or the abolition of the power of removal of Irish and Scotch paupers from this country to their own country?—Yes; I have thought about it, and upon the subject of the removal of the poor generally; and I should say that I think that it is exceedingly desirable, as far as I can judge, that the power of settlement should not entirely cease, but that it should be possible to combine the absence of removals with the maintenance of the poor, by the different districts to which they belong. That can only be done practically by having a more simple and uniform and unchangeable form of settlement; I do not think it can be done in any other way.

3358. Will you have the goodness to state to the Committee the views which have suggested themselves to your mind upon the subject?—I have thought that a change of settlement, and confining the settlement of every person to the place of birth, and making it unchangeable, would answer the purpose, and that then nobody should be removed at all; but that the parish to which the pauper properly belonged, namely, the place of his birth, should be chargeable to the place which relieved him, to restore to them the amount of money which they had expended in his behalf; very much in the same manner, only not making it optional, as the old system of the statute of William, with respect to certificates, with which a pauper was enabled to travel, and to go and live where he pleased, being certified by the parish from whence he came, that he was a settled inhabitant of that parish. That failed, as we all know perfectly well, by reason of its being optional with the parishes to grant the certificate, and then the modes of acquiring settlement being various, and being of course changeable, the parties refused to grant the certificate, because, if they gave a certificate, a man could not acquire a fresh settlement; they therefore left him to the chance of his acquiring a settlement elsewhere, where he might be inhabiting or residing for the time being. I have observed, that in modern times another system has been introduced, and I have always thought it an error. It appears to me that the establishing difficult modes of settlement, and settlements requiring a long period of time to elapse before they can be acquired, are exceedingly unwise, for they produce very great litigation. There was one alteration, of a five years' settlement, which was supposed to be a great improvement. Everybody who knows the practice of the sessions, knows that the litigation before that time arose chiefly upon settlements of hiring and service. It was a thing perfectly well known, whether a man had taken a tenement of 10 *l.* a year; but whether a man had stayed the whole of the time, or whether he had gone out of the way for a certain number of days, and thereby had not obtained his settlement by hiring and service, produced most of the litigation of my youthful experience; and that would be materially increased, by increasing the time from one to five years, because of the greater number of chances of persons, which would cause them to fail in acquiring a settlement during the whole period of five years. I think, therefore, that in order to remedy that, it should be a birth settlement; and I only propose that settlement for the purpose of fixing the poor, and making a certain proportionate charge of the poor over the whole country. That is the only reason which makes a law of settlement desirable. If you had not some settlement I think it would be found that we should go back to some of the evils which existed in the reign of Charles the Second, which was the time when settlements were first introduced; we should find that we should go back to that vagabondage which existed at that time to so fearful an extent as is mentioned in the statute itself. It is a curious fact, but there is a history of the evils which the statute of Charles the Second was intended to prevent, by settling the poor, recited in the Act of Parliament as the existing facts of that day, which were the foundation of that change of the law; and that law having been effective in its operation, it happens now, as it always happens, that inasmuch as no remedy is perfect, the evil of the remedy is perceived; and the evil for which the remedy was devised is forgotten, if it is effectual. So that you have lost the evil of the vagabondage, which the statutes of settlement put an end to, and you have got the evils of settlement, which no doubt exist; you look at the one, and forget the other. I think you will find that that is very commonly the

case,

case, in a great number of these alterations of laws which have been very effective, but which nevertheless are not perfect, as no laws can be.

3359. With regard to the Irish in particular, is your Lordship of opinion that you could do away entirely with the law of removal, and, if so, what suggestions would you make as to legislation to accompany that enactment?—I think you might do away with the law of removal altogether, and yet leave a man to be maintained by the place where he was born, in this way: supposing a man is residing in the parish of A., and being in distress is chargeable to that parish, and has been born in the parish of B., why is it difficult to call upon the parish B. to repay to the parish A. the amount which is expended in the maintenance of that pauper? It would be a benefit to the parish B., as whilst he is in A., and in employ, he is not chargeable at all, and he will probably go to the place where he can acquire the best wages, and therefore will be least likely to be chargeable at all. But then, as I said before, the probability of doing this depends upon your having a simple settlement, which is not easily capable of litigation, and which may be determined by anybody. The place of birth is the most easily determined thing in the world. There never were any disputes about the original settlements of bastard children, because these were always at the place of birth.

3360. With regard to an Irish pauper, you would have the party relieved by the parish where he became chargeable?—Yes.

3361. And you would give to that parish a power of charging the Union in Ireland where he has been born?—Yes; it seems to me that that would have the effect of remedying the evil. Then the difficulty would be, how would you ascertain it? You must take the examination of the man; most people are capable of telling you where they were born; it is a very simple fact.

3362. At present it forms one of the subjects of inquiry by the justices; for, as the law now stands, they are to remove to the port next to the place of birth, and therefore it implies that there is an inquiry?—Just so; therefore that same inquiry would tell you to whom to charge the expense.

3363. Would your Lordship apprehend any danger or difficulty from the fact that the parish, which would actually supply the relief, would not, in that case, be expending its own money, and that there might not therefore be the same vigilance in cases of this kind?—That is possible, no doubt; people are generally more liberal with other people's money than with their own.

3364. Is there any other suggestion with which your Lordship can favour the Committee?—I have no other.

3365. Mr. *Ingham.*] Would not your Lordship's proposition operate rather hardly upon the districts which habitually export labourers. Take the case of Ireland; it sends all its labourers here to continue the industry here; then, when they become chargeable, you propose that they are to get relief according to the English scale, and that it is to be paid out of the Irish poor-rate?—That would be so, no doubt; but, meanwhile, the Irish poor-rate has been saved the whole expense of their maintenance during that time. I am not aware whether they come over permanently.

3366. It appears that there is a large number of persons who come over permanently, and that they do all the hard work of England, namely, the Irish poor?—It may be so.

3367. Has your Lordship ever considered whether it would not be a simple thing to make every person to be relieved within the precincts of the union?—The consequence of that would be exactly the evil which is mentioned in the statute of Charles the Second, that they would always come to the place where there was the best treatment, and it would be overwhelmed.

3368. Would not your Lordship think that the present administration of the poor-law, under one intelligent and almost omnipotent head, controlling the mode in which relief could be administered in all the unions, might prevent any such difference of administration between one union and the other?—You cannot prevent good-natured and charitable people living in one place, and ill-natured and uncharitable people living in another.

3369. But you might preserve a uniform dealing with the parish funds?—Yes, but I think that there are a great number of people who come to places where kind persons live, in order to get the advantage of their kindness, and that those people are the people who ultimately fall into distress, perhaps from that very circumstance.

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3370. Mr. *Grogan.*] Is your Lordship's objection to the great expenses at present attending the question of settlement, as under the existing law?—Yes, the litigation in such cases produces great expense.

3371. And your Lordship thinks that a residence of five years, as required by the present law, is highly objectionable?—I think if you wish to avoid litigation, it is highly objectionable; but it is by no means a bad thing that a person should reside five years in a place, for so residing tends to make him a settled and respectable person.

3372. Has your Lordship considered the question of settlement by five years residence, with reference to the interests of the poor?—I think that it would produce great litigation.

3373. With regard to limiting their exertions for the purpose of obtaining labour outside the parish or district where they have been resident, has your Lordship's attention been directed to that; a necessary residence of five years; how far it would affect the interests of the poor themselves?—I do not see that; it appears to me that making them non-removable would be precisely the same thing; they might live there so long as they pleased. I merely speak of it as being a bad test of the place to which the pauper is ultimately to belong as a settled inhabitant; I think it is a bad test for the reason, that it is so very difficult to prove.

3374. But you consider that the existing law with regard to removability, where a party shall not have resided five years, is objectionable?—I think he ought to be irremovable, but I think that it is a bad thing to make the residence the test of his settlement; that is all.

3375. Of course your Lordship does not confine that remark to English paupers alone?—No, I apply it to everybody; the only way, as it seems to me, is to make them all irremovable, but all to be chargeable to some place, and birth is an easy test of that chargeability to any place; if anybody could suggest another easy and simple and uniform settlement of the same description, I should probably agree with it; but I think that is the simplest inquiry you can have, because you say to the person, "Where were you born?" He mostly can tell you. "What age are you?" You then go to the parish register (I am speaking of English), and you know where to turn; he is registered in the parish, and there is an end of it.

3376. Sir *J. Trollope.*] Does your Lordship prefer a birth settlement to an industrial residence as a test; or, more properly speaking, the charge under the head of a birth settlement rather than of an industrial residence?—I think there would be more justice towards the party who had to pay if the pauper had industrially resided; my adoption of a birth settlement is only because it is more simple.

3377. To get rid of the legal difficulties?—Yes, and to make it possible, as it seems to me, to make the non-removability consist with the retaining of a settlement at all.

3378. Under those circumstances, retaining chargeability upon the parish of the pauper's birth, would you allow the parish where you propose to make the charge to have any appeal, or mode of redress?—They should, of course, have the power of disputing it; but it is so simple, that it would hardly ever be disputed.

3379. *Chairman.*] You would still retain the power of appeal as it exists at present?—Clearly so. I rather recommend that the Poor-law inspector should settle the matter between the parties, hearing both sides.

3380. Sir *J. Trollope.*] You would make him the judge in preference to any other tribunal now existing?—Yes; because it would be the cheapest mode, and because you might entrust any sensible person with such a decision.

3381. He being also an impartial and dispassionate person?—Yes.

3382. Mr. *Grogan.*] With regard to the test of chargeability by birth settlement, or by industrial residence, if serious objections were found to a birth settlement, would you consider an industrial residence a sufficient test of chargeability?—With an industrial residence, I think it could not be referred to any other tribunal than the present; and there must be a regular trial. It is to be for five years. How many days are to elapse in any week or month to prevent that settlement being obtained? If the man is turned off by the person for whom he works, is that to be an industrial settlement? All those difficulties arise, and did arise under the old system.

3383. There

3383. There being no settlement in Ireland, how will that affect the question?—The man must have been born somewhere.

3384. But your Lordship is aware that the test of destitution there is sufficient to obtain relief; there is no such thing as settlement in Ireland?—That is an evil which I think ought to be cured; for there is the power of wandering. That would lead to an unfair division, as it seems to me, of the expense; because the better and more comfortable places would be overflowed, and the others would be empty; therefore there would be a premium for bad treatment. They would get rid of their paupers if they could drive them away.

3385. If the paupers were to wander in the manner which seems to be apprehended by your Lordship, would not they come under the Vagrancy Act?—They would; but that of itself is an evil, as most of the crimes committed within the country are committed by vagrants.

3386. Has it been within your Lordship's knowledge that a better treatment has led to an influx of paupers in any of the poorhouses of the unions in this country, they not being all on the same scale?—Supposing there were a clergyman very charitable, and a squire extremely kind, and they lived in a particular parish, do not you think that that parish would be materially overweighted with poor, if you could not get rid of them in any other way? The settlement prevents that; because as long as they work honestly and fairly, and do not become chargeable, they may go where they please.

3387. Under circumstances of extraordinary pressure, such as in last winter; for instance, the unparalleled severity of the frost; parties might be thrown out of labour, and there might be an undue pressure, but I am speaking as a general rule in the country; is it within your Lordship's knowledge that particular districts have been overburthened with non-settled paupers?—There is a great difference in parishes, in the manner of treatment, no doubt. In large towns it is not so, because it is more a matter of business. In a parish in London you are not brought into contact with the poor of the parish as a body, but in a country village you are.

3388. Assuming industrial residence as a test that the parties are not actual vagabonds, and that they come into the district with the view of earning their bread honestly and by their own labour, is your Lordship of opinion that it is desirable to retain the existing term of five years?—It is as well to retain what you have got as to change it, because the difference between four years and five years' industrial residence, or even three or two, would not be of much importance.

3389. The object of an industrial residence being, as I understand, a mere test of the pauperism of the applicant, and that he is not an actual vagrant, coming into the locality solely for relief, would not one year, in your judgment, be equally as good a test as five?—I should think it would.

3390. And it would, of course, not be so oppressive to the pauper?—And it would be much more easily proved; but then it would be changing constantly, because the pauper might go and live in succession in two places. Just try the question of a year's residence, or three, or four, or five years' residence; perhaps the man may have resided in the parish of A. for one year, and he may have changed over to the parish of B. the next year. Then the question is, did he live a whole year in the parish of A.; did he live a whole year in the parish of B., or in the parish of C.? You find continual variations; so that though the man has resided in the neighbourhood for five or six years, you have frequently the greatest difficulty in the world in finding whether he has lived in one particular parish for five years or one year, or three, or any period of time of that sort. You would find it produce great litigation.

3391. Your Lordship is apprehensive that any period of that sort would produce an amount of litigation which would be disastrous?—Yes; because it is a very difficult question to prove, and almost all litigation arises out of the difficulty of proof. A very small amount of certainty in a decision in the courts above, or in the county courts, will make the greatest difference in the litigation. It is the certainty that stops litigation, and the simplicity of proof which will stop the litigation about settlement.

3392. Mr. *Maguire.*] I believe it was the Bill introduced by the Right honourable Chairman which gave rise to your Lordship making the observations which you addressed to the grand jury upon the subject?—Yes; the form of it.

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3393. Your Lordship understood that that Bill practically did away with the law of removal?—Yes; I understood that there was to be no removal, but that still the settlement was to remain, which I could not comprehend, because the only mode of enforcing the settlement is by removal.

3394. Did your Lordship understand by that Bill, that wherever a pauper found himself destitute he might apply and should receive relief?—Yes; that is the law.

3395. And that the parish giving relief should bear the cost of that relief?—That is so at present. Wherever a man is, and is chargeable, the parish is bound to relieve him, and then they cannot recover that at all; they can only remove the man to the place of his settlement, in order to prevent the further increase of relief in the case of casual poor.

3396. By the Bill of the Right honourable gentleman, the relief would be given, and the removal would be impossible?—The relief would be given; but the removal being impossible, the pauper would remain there.

3397. That would be the operation of the Bill?—Yes; therefore, in truth, it would take away the settlement.

3398. Is your Lordship favourable to an assimilation of the laws of the two countries as much as possible as a matter of policy?—That I do not know. The more simple you make the law by which people are governed, and the less changes there are from one country to another, the better. I think it is better that they should all be governed by the same law, I must say.

3399. Then taking it for granted that the operation of the Bill introduced by the Right honourable Chairman was to do away with the Law of Removal altogether in this country, would you still be for retaining the Law of Removal as against the poor of Ireland?—The Law of Settlement applied to England; but the Law of Settlement does not apply to Ireland.

3400. How would your Lordship then deal with the Irish poor, assuming that the Bill of the Right honourable gentleman was carried into law?—It does not apply to Ireland.

3401. Supposing the Bill of the Right honourable gentleman to be passed into law, how would your Lordship legislate for the Irish poor in this country?—My idea was that, when they came to this country they should be chargeable to those places in Ireland where they were born; when in Ireland, a man may wander all over Ireland if he pleases; that is the present law. I do not want to alter that. I have nothing to say to it; it is for the members of the sister country to determine what is most convenient for themselves; but if the labourers come here they must be chargeable. They cannot be chargeable to a general rate for the whole kingdom of Ireland, therefore they must be chargeable to some particular part of Ireland; therefore to the union in which they were born; that is the process by which I arrive at it.

3402. Supposing the Bill of the Right honourable gentleman had been passed, would not the Englishman or the Welshman have had power to go all over England or Wales?—Yes, he would; and to live there.

3403. Does your Lordship propose that any English or Welsh pauper shall be chargeable to the parish where that pauper finds himself destitute?—Yes; but that charge to be repaid by the parish where he was born.

3404. Did your Lordship apprehend that that was comprehended in the Bill of the Right honourable gentleman?—Certainly not.

3405. I am assuming that that Bill, as your Lordship understands it, is carried into law; I then ask you, how you would deal with the Irish poor under those circumstances?—You ask me a question which I cannot answer. I do not know how. I do not see how at all.

3406. Mr. *De Vere.*] Your Lordship stated, in your charge, "The proof of the new birthplace settlement will be easy; the register will prove the place of birth." Is your Lordship aware, that in Ireland there is no uniform or systematic registration of births?—That I was not aware of. I suppose, then, you must take parole evidence as well as you can get it.

3407. In the case of parole evidence, the only evidence which you could take, would be that of the pauper applying for relief?—Yes, he would know where he had been born.

3408. Would your Lordship tax a distant parish in Ireland upon that statement, without giving to the taxed parish any power of controverting the statement?—I mean them to have the full power of controverting it.

3409. What

3409. What machinery would your Lordship propose in order to give that power?—I was proposing that the matter should be inquired into by the poor-law inspector; you must then give notice to the other side, and they may give you any information they please; and if a difficulty arises from the distance, it is for the House to say whether they will not alter the law of evidence upon that question, and permit affidavits to be used before the Commissioners.

3410. Then it would amount to this, that there would be a lawsuit held in each case before the poor-law inspector as a judge, the litigating parties being the relieving parish and the parish in Ireland to which the pauper said he belonged by his birth settlement?—Just so; and if you cannot ascertain it, it is one of those things which you cannot remedy; that is all. It might be difficult; in many cases it might be impossible; but still wherever it can be done it should be done. You put a difficulty to me of that kind, and I do not possibly see how I can answer it. If the man cannot tell where he was born, then you must find it out as well as you can; or, it may be, that you get no redress.

3411. Does not your Lordship think that it would be liable to this fault, that it would be productive of a great deal of litigation, and litigation of a sort in which the parish to be taxed would be very unfairly represented, and put to great trouble and great expense?—It might be so; that is the same difficulty which exists in all settlements where a man wanders to a great distance from the place of his original settlement, whether it be by birth or by any other means.

3412. *Chairman.*] It would apply to the case of a Northumberland parish before the Middlesex Sessions?—Yes; a man having been settled in Northumberland comes to London, or goes to the Land's End, and is relieved; there is a difficulty in proving his settlement, no doubt, and it is an exceedingly difficult thing to find a tribunal which can decide cheaply and justly. But it is the same thing if a man in Northumberland owes a debt to a person who lives in Cornwall, the Cornish man may sue him, perhaps, even in the county court, and the Northumberland man will have to go into the county court of Cornwall; under some circumstances that may be done, and very inconvenient it is, but that is the law.

3413. Mr. *De Vere.*] Your Lordship would constitute the poor-law inspector the judge in these litigated cases?—The poor law inspector of the district in which the relief is given, but any mode of ascertaining the fact might be adopted; it might very frequently be done by a process of affidavits; for though affidavits are not so good a mode of ascertaining the truth as parole evidence, yet in cases of that description it might be sufficient; it is sufficient in the Court of Chancery.

3414. Your Lordship is aware that according to the present system there is a power of appeal in cases of removal of Irish paupers on the part of the Boards of Guardians in Ireland?—Yes.

3415. Are you aware that that power has been found to be inoperative practically?—I should think it very likely would be so.

3416. In consequence of the distance between the two places, and the litigation caused?—Yes; and the thing not being worth the expense very often; I remember a man in the West Riding, of whom it was said that he saved his parish a considerable amount by appealing in every case of removal; upon the whole his parish gained by it, it was said, because people would not go into the litigation; and so it would be, very probably, in a great many cases.

3417. Would not your Lordship's scheme be liable to the same practical difficulties with regard to the Irish paupers?—I think it would be often very difficult to enforce it, I confess.

John Trevor, Esq., called in; and Examined.

3418. Mr. *Grogan.*] YOU are the Chairman of the Board of Guardians of the city of Chester?—I am.

3419. For how long a time have you been so?—I was first a guardian in the year 1840; I was chairman, 1842-43. I have been for the last ten years either treasurer or chairman. For the last five years I have been chairman.

3420. How many does your Board of Guardians consist of?—Seventy-four, besides *ex officio* members.

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3421. While you have been in your capacity of chairman, your attention has been very much directed, I believe, to the working of the Poor Law Act, and the compulsory removal of Irish paupers?—I have looked, with attention, for a great many years, at the question of removals generally, I may say since 1841.

3422. Would you favour the Committee with the result of your opinions on that subject?—I have always felt that the mode in which removals were carried out was exceedingly oppressive on the poor, and particularly upon the Irish poor; namely, the process of removal by finding out the settlement, as they call it, of the party becoming chargeable to the place. The question of settlement has been a source of much inquiry; it is much more simplified now; but very great hardships have been imposed upon the poor. For instance, as regards the effect upon the city of Chester of English removals, they have very often come down upon us with parties whose names have been quite lost to the city of Chester; nobody has recollected them. We had some children, the other day, from London; nobody recollected the family; when we looked into the settlement, it was upon some old apprenticeship settlement, or something of that sort. However, we found no chance of litigating it, and we accepted them.

3423. In that instance, was a family of children removed from London to Chester?—Yes. They were orphans, and had been born in London.

3424. And they were children, all traces of whose parents had been lost in Chester?—Exactly.

3425. Did you think it better to submit to the removal than to litigate the question?—We sent an officer up to London to make every inquiry; to see if he could find an industrial residence of 10 *l.* value in London, on the part of the father, but his efforts were perfectly futile; and as a matter of course we accepted the children, and they will be a permanent charge upon us.

3426. Was that a great hardship and injustice to the whole family so removed?—I think it was a great hardship upon the children, who were taken from all their associations and connexions formed since their birth.

3427. With regard to the interests of the rate-payers, do you consider that this power of removal, and the litigation consequent upon it, and the expenses necessarily arising from removals, are injurious to the interests of the rate-payers?—I consider so, decidedly. I consider that money expended in removals is a waste, and that all money spent in litigation passes from the funds of the ratepayers, and is not of the slightest benefit to the poor.

3428. Is that opinion of yours based upon any practical examination into the expenses for any series of years?—It is based upon this; that the legal expenses incurred by the parishes in Chester formerly amounted to 500 *l.* or 600 *l.* a year, and I should say that in the past year they did not amount to 20 *l.*

3429. *Chairman.*] Have you a number of parishes combined under one Local Act?—Nine.

3430. Do they remove *inter se*, or are they all one union for the purpose of settlement?—They were not so; and formerly there used to be internal quarrels, and when I was chairman of the Board of Guardians in 1842-43, I suggested a mode of settling all those internal disputes about settlement by arbitration. Any question of that kind which arises now at our Board, is referred to what we call the settlement committee of the guardians, who are advised by our clerk. We have no power in law to compel the parish officers to observe our decision; but having a clerk who is thoroughly conversant with the Law of Settlement, they generally do take our advice, and I am not aware of any instance within the last few years in which there has been a removal or an appeal between the nine parishes.

3431. Mr. *Grogan.*] In reference to the pecuniary part of the question as affecting the removing parish, in Chester, for instance, has any inquiry ever been made by your Board relative to the expense of removing the Irish poor of late years?—I think not, except one which I possess here, which I extracted myself. I have a statement of the number of removals, and the cost to the parishes of the removals, with the designation, as far as I could obtain it, and the status of the parties removed, and also whether the removals were voluntary, by their own request, or compulsory on the part of the parish officers.

3432. *Chairman.*] Are those Irish cases?—They are all Irish cases, with the exception of one. They are all Irish cases in 1851; the only exception is a Scotch removal in 1852.

3433. Mr. *Grogan.*] Will you give the results?—In 1851 there were seven cases of removal: nineteen in number of heads. In 1852 there were thirteen cases of removal: thirty-six in number of heads. I may say that about that period I think I first began, more distinctly and definitely, as the chairman of the Board, to discountenance Irish removals. There are some cases upon this list which appeared to me rather to press hard upon the poor, and a slight alteration, perhaps, of policy, as far as the Board could advise it, took place at that period, In 1853 we had six cases of Irish removal, consisting of twelve heads. In 1854. the year that the Right honourable Chairman introduced his Bill, we had only one case, and it was voluntary. In 1855 I find there has been a slight increase; the number up to this time has been four cases, six being the number of heads. Of the four cases, I find two were voluntary; as to one, I am unable to say whether it was voluntary or compulsory. The fourth case, consisting of two heads, was compulsory by the parish officers, and the reason they did it was because the parties kept their neighbours in a continual stew and broil; they thought it best to get rid of them, and my opinion is that when I get back again I shall find them returned. I find that the first two cases on this list in 1851 are designated as "tramps," who were going to Ireland. On being asked where they were going, they said they were going to Ireland. The policy of our Board has been, not to attempt to throw the cost of destitution upon other unions if we can avoid it. The President of the Poor Law Board is perfectly aware that we have made frequent complaints of the surrounding unions for throwing destitution upon us; therefore we are exceedingly careful not to throw destitution upon other parishes, and whenever Irish people were received into our receiving house or workhouse, and designated as tramps, who said they were going to Ireland, in preference to giving them something to go on to Birkenhead or Liverpool, we put their removal in motion at our own expense. When I tell you that in one case, namely, the case of Frank Cummings, the cost of removal was 2 *l.* 4 *s.* 11 *d.*, when we might have got rid of him by giving him 6 *d.* or 1 *s.*, perhaps you will be of opinion that the Board exercised a wise discretion. In the same year, 1851, September 2nd, Mary Savage was removed to Sligo; the marginal note is, "Husband, master tailor, 7th Foot, deserted her." He had been a master tailor in the 7th Foot; that was her own representation; and he had deserted her, and she wished to be removed to the place of her birth, and she was sent at her own request. The next two names are those of two intelligent, well educated females, of the names of Gleeson, who were in a frightful state of destitution, and were brought down to our workhouse almost in a state of nakedness. On inquiring into the circumstances, it appeared that they had once filled a respectable situation in Ireland, and had been ashamed of the destitution to which they had been subject; they had come to England with the intention, if possible, of betaking themselves to some profitable occupation; but they seemed to have been unsuccessful. We kept them in Chester workhouse for a considerable period to see if we could really do anything for them; we could not do so, and they were removed to Dublin at their own request. We had a Scotch removal; Elizabeth Graham, removed to Glasgow at her own request. Then we had a case which I wish to mention to the Committee as illustrating the system, when you resort to compulsory removals, how the people return upon you. It was a case in which at the time I felt great sympathy; it was the case of Bridget Mulloy, the mother of six legitimate children, and a widow. I considered at the time, as all her children had been born in England, that it was an exceedingly great hardship to remove the woman to Ireland, and the Board of Guardians expressed themselves to the relieving officer not to put the law in force. She unfortunately had an illegitimate child; that disentitled her to out-door relief, except with the sanction of the Poor Law Board; it had been our rule never to transmit a case of that kind to the Poor Law Board, except we could allege an extenuation of the misconduct. However, the parish officers removed her, and, as I said before, I felt great sympathy with the woman; she was removed on the 3d of April; she came back in a very days, and had an order given her to go into our workhouse. On her being brought before the Board, I asked her how she had come back; she said that she had been taken before the Lord Mayor of Dublin; that she had represented the case; that the case had been explained by some of the officials in the administration of the poor law in Dublin, and that the Lord Mayor had given her 10*s.* to come back. She came back and she was

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again removed on the 26th; and I am sorry to say I can give the Committee no further account of her. Perhaps the Committee will wonder, as her removal and that of her family, in the first instance, cost 2 *l.* 18 *s.* 2 *d.*, how she came back with 10 *s.* In the first place, we are obliged to pay the expense to put the law in motion; there is then the cost of the conveyance by railway, and the packet fare from Liverpool to Dublin; sometimes it is 2 *s.* 6 *d.*, sometimes it is 5 *s.* There are two prices in those packets; one in going from England to Ireland, but a less charge in coming back; and the woman would get herself brought from Dublin to Liverpool for 1 *s.*, two of her children brought for another shilling, and she could get back to Liverpool with her family, perhaps, for 4 *s.* Then she could come upon the railway for about four railway fares, at 1 *s.* 3 *d.* each; so that the 10 *s.* which the Lord Mayor of Dublin gave her amply covered the expense back. I merely mention this as an illustration of what I know is an exceedingly common occurrence. I recollect a case perfectly well; I have not the name here; I think it occurred before 1851, soon after the Irish famine, where a family of, I think, the name of Branigan were removed compulsorily from Chester; the neighbours made a collection to bring them back again; it was given to the woman in the presence of the removing officer, and she was back as soon as the removing officer. I merely mention this, to show that where there is a will there is a way; and if England is better than Ireland, they will find their way back.

3434. In reference to the case in which 10 *s.* was given by the Lord Mayor of Dublin to the woman of whom you have spoken, you have no reason to imagine that it was anything but charity, out of his own pocket?—No! I would have done exactly the same thing if I had been in the same position, whether it was from a public or a private fund.

3435. Your Board consists of 74 members. Information has been given to the Committee that, as a general rule, they do not put the power of removing Irish paupers into practice?—They do not.

3436. Has there been any resolution of your Board?—No formal resolution to that effect; we have expressed our disapproval of the system of removals, and we have formally expressed our approval and support of the Bill introduced by the President of the Poor Law Board; we have also expressed our approval of the view of Lord Palmerston, that Ireland ought to be put into the Bill.

3437. Have you the terms of the resolution before you?—I have. When the President of the Poor Law Board introduced his Bill, which abolished the power of compulsory removal but left the Law of Settlement where it was, after some consideration, and a discussion of it at a special Board, to which the guardians were specially summoned to consider it, we were of opinion that the President of the Poor Law Board had dealt with the measure on the right principle, and that there were so many questions involved in the Law of Settlement, that it was much better to do away with the power of removal.

3438. *Chairman.*] There are charitable donations to settled inhabitants, and so on?—Yes; there are so many questions mixed up with it that it is a difficult question to deal with.

3439. I believe under some Enclosure Acts there are portions allotted to settled inhabitants?—Yes.

3440. And the object of the Bill, as you understood, was to leave all those questions untouched, and to deal merely with the question of the power of removal?—Yes; we have in the city of Chester, what we call parochial charities left by charitably disposed individuals, and from the very best of intentions. I wish they were all swept away, because they interfere very materially with the freedom of labour; they keep men in a poor parish instead of going to a richer, because they do not like to give up their claim to the charities. Lord Palmerston expressed himself to a deputation to this effect, that the same law as was passed with regard to England should be passed with regard to Ireland; that the Irishman should not be subject to an alien act from which the Englishman was relieved.

3441. Mr. *Grogan.*] Will you read the resolution which was passed by your Board?—This was unanimously adopted at a meeting of our Board of Guardians, it having been specially summoned to consider the matter apart from the day for the relief of the poor: "That the power of compulsory removal of persons chargeable to parishes in England, who were born in Scotland, Ireland, or the Isle of Man, or Scilly, or Jersey, or Guernsey, and who have not become legally

legally settled in England, to the country of their birth, is inequitable and unjust to the necessitous poor; and its abolition would be not only a great boon, but an act of equitable legislation in favour of the indigent portion of our fellow-subjects, who, not being of English birth, are now subject to that provision of the law."

3442. That was unanimously adopted at a special meeting of your Board, summoned to consider the Bill introduced by our President?—It was unanimously adopted without a dissentient voice.

3443. The opinions of your Board have not varied upon that subject since?—No.

3444. Have you had an opportunity of considering any of the evidence which has been given before this Committee, on the subject of poor removal?—I never brought the evidence formally before the Board; it is of a very voluminous nature, but I think there is scarcely a Board-day when an Irish case does not come before us, or even an English case which is unsettled, when the question is not debated in principle. I have illustrated it by bringing to notice, if the power of removal were put into operation, whether in cases of English or Irish removal, the hardships to which it would subject the poor, and I have never heard from our guardians a dissenting remark.

3445. You have mentioned the hardship and the injustice which you consider the exercise of the power of removal to inflict upon the labouring poor; do you consider that that applies, *à fortiori*, to the Irish poor?—Of course I do.

3446. Are you of opinion that the Irish poor in the large manufacturing districts, Liverpool for instance, Manchester, Wolverhampton, and those districts in your neighbourhood, occasion an undue burthen on the rates, taking into account the advantages which their labour must necessarily confer?—Certainly not; if you look at the increase of population in the manufacturing districts of Lancashire, and some parts of Cheshire and Derbyshire, if you look to the great increase of population which has occurred, which cannot have occurred by breeding, but by the importation of labourers, either from the agricultural districts of England, but principally from Wales and from Ireland, and the great advantages resulting to the capital and the wealth of the country, I am strongly of opinion that, notwithstanding the temporary pressure which was imposed upon these districts by the Irish famine, which perhaps threw an undue proportion upon them, and rather overstocked them, yet, from what I read of the statistics of those towns, the paupers in them are not receiving more than a due proportion of relief. For instance, I will draw the attention of the Committee to the fact, that in 50 years Liverpool has increased from 82,000 to 375,000 in population by the census tables. Manchester is composed of several registration districts, and comprises two Parliamentary boroughs; but generally speaking the term "Manchester" is used, and all that conglomeration of people round a certain centre has increased from 94,000 in 1801 to 401,000 in 1851. The Manchester population proper, within the Superintendent Registrar's district, I take at about 190,000; the Irish population, or persons born of Irish parents, running back as far as can be traced within their own memory, and within the range of the population tables, is about 70,000. I believe the direct Irish population is 30,000; the Irish population may be taken to be about seven-nineteenths of the entire population. In 1854 you find that the total cost of poor in Manchester, by their own statistics, was about 20,000*l.*; the amount given for Irish paupers, including removals, was 7,488 *l.*, that is about seven-twentieths; so that the proportion of relief given to this Irish population under circumstances of great destitution, and when also provisions were high, which affected all classes, does not appear to be out of the way, compared with the proportion of population. In Liverpool the population, according to the Census Tables, appears to be about 375,000; the evidence as to the Irish population in Liverpool rather varies. Mr. Rushton, the late stipendiary magistrate, a gentleman who paid great attention to the position of the people in Liverpool, and to whom Liverpool is much indebted for the present sanitary measures, which seem to have put down fever on an extended scale, always thought the Irish population more than one-fourth; the other authorities seem to think that it is about one-third. However, by the statistics it appears that last year the number of poor in Liverpool in receipt of relief was about 25,779, of whom 7,951 were Irish; the total cost of poor relief in Liverpool appears to have been 50,634*l.*; the Irish people who received relief in

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1854 cost 14,370*l.*; now that appears to be about seven twenty-fifths. That does not appear to me to be excessive; but the cost of Irish removals out of that is about 2,000*l.*, and I think that 2,000*l.* a-year would unquestionably be better spent in trying to raise them in condition, in administering to their present necessities, and in treating them as subjects of the same sovereign, instead of putting them under the operation of an Act which I always will designate as an Alien Act against the Irish.

3447. The circumstances of Liverpool are considered very peculiar, in consequence of the great number of steamers between it and Ireland, from its proximity to Ireland; with respect to the Irish poor relieved in Liverpool, and particularly as to those removed from Liverpool, is there anything peculiar, which, in your mind, is occasioned by the existing law?—I think there is; I think, if the power of removal had not existed, you would not have had so many of those voluntary removals pressed upon Liverpool. People up the country, and in other parts, who wish to get home again, take advantage of the present state of the law to get removed free. I can tell you what one operation of it has been: some of the working men of Ireland are about as cunning as the Englishmen as to saving their pockets, and I have known myself, and I have witnessed its operation, that when they have returned from the harvest work, they have been to the money-order office at Chester to transmit their earnings to some party in Ireland, perhaps to themselves, or their wives, or the priest; then these parties go over to Birkenhead or Liverpool, and immediately set all their wits to work to get a free passage if they possibly can; and I believe that the mode adopted in Liverpool is the very best means of enabling them to do so. If an Irishman becomes what we call casually necessitous in Liverpool for three nights together, he is deemed a subject for removal; and he succeeds in his object, he finds his earnings waiting in Ireland for him, and he has succeeded in charging Liverpool with the cost of his removal. If there were no provision of the law to that effect, to enable the funds of the ratepayers to be devoted to that object, all that would be done away with. I do not find that either in Chester, or Birkenhead, or Liverpool, previous to the Irish famine, there was any undue pressure upon the rates from Irish poor; that unfortunate event did operate certainly, not only as a great blight in Ireland, but it operated in certain places in this country very disadvantageously upon the funds of the ratepayers, and also upon the labour market. It brought a great deal of disease with it, for this reason; the densely crowded courts of Liverpool were not adequate to the great influx of population; they were not sufficiently drained or ventilated; there were no sanitary arrangements, and fever was the natural consequence in the town. It operated in a less degree, but certainly also very prejudicially, in the city of Chester, and we felt it necessary to remove these unfortunate people into temporarily constructed fever hospitals. That cost us 700 *l.* or 800 *l.*; we got rid of it very well and cheaply, but I did not find that the Irish convalescents when fit to go to labour at all pressed upon the rates.

3448. A former witness, Mr. Farnall, was examined on the last day this Committee met, with reference to Irish pauperism in Liverpool. In answer to Question 3063, he gave an account of it; will you look over that, and say whether you consider that the power of removal, as explained by you on the part of Irish persons who are seeking to get a free passage, having remitted money which they have earned in this country to Ireland, is explanatory of that singular answer?—The results are more astounding to me than I expected.

3449. Will you read the question and answer?—The question is, "Can you tell the Committee how many of those were people who had not resided one year in Liverpool before their removal?" The answer is, "Of the 7,627 who were removed in 1850, 7,160 had not been one year in Liverpool; in 1851, of the 7,808 that were removed, 7,374 had not resided one year in Liverpool; in 1852, of the 5,506 removed, 5,095 had not resided one year; in 1853, of the 4,503 removed, 4,193 had not resided one year; in other words, $93\frac{5}{10}$ per cent. of the total number removed in 1850, 1851, 1852, and 1853, had not resided one year at Liverpool." I was prepared for evidence to the effect that a great number of persons who were removed from Liverpool did all that they could to get removed by the parish funds, as a sort of voluntary removal at their own request, but I was not prepared to find so large a proportion as that; I certainly know

know that as respects our own city, which is a part of the highway from the agricultural districts down to Liverpool, extraordinarily large quantities of persons were making their way at the close of the harvest, and in fact, all through the year, in some degree, to Liverpool, who seemed when they were in our part of the country, to have plenty of means of maintenance; and I express it as my own opinion that these parties had ample means when they were at Chester, many of them, but at Liverpool they threw themselves upon destitution, I fancy, to get removed; I do not suppose that that would apply perhaps to all, but only to a certain portion of them.

3450. Are you of opinion that if the power of removal had not existed, the burthen thrown upon the rates at Liverpool, in order to remove those parties, would in all probability in whole or in part have been saved?—I think a great part of it would have been; I think it is a charge put upon Liverpool entirely by the state of the law.

3451. It has also been given us in evidence that there are some sheds in the Poor-house in Liverpool, in which pauper applicants are allowed to sleep at night; that they are permitted to beg through the streets in the course of the day, to earn their bread in any manner they can, and to return there at night; is that system of Poor-house management such, in your opinion, as would be calculated to reduce the burthen of pauperism on the district?—No; to increase it; to invite vagrancy, and to invite persons to become casual poor instead of industrious and well-intentioned labourers.

3452. Can you, with such facts before you, be surprised at the evidence which has been given of the burthen of Irish pauperism thrown upon Liverpool?—I cannot at all; I think that if we were to establish receiving-houses in Chester, and if it became known through the country, that being in our receiving-house one night, two nights, or three nights, parties would entitle themselves to be removed to Ireland at the expense of Chester, it would make a very serious inroad upon our rates, and a great number of persons who pass through Chester to Birkenhead or Liverpool would stop with us. I am strongly convinced of it; that they would throw themselves upon the rates in Chester; because it would matter little to them upon what parish the charge fell, so long as the parish was disposed to remove them. We directly discountenance, except in exceptional cases, the class of voluntary removals; and with respect to those voluntary removals which I have mentioned, as having been at the parties' own request, I beg to explain that those were not able-bodied persons, but persons who, perhaps, had been in a fever ward, or in a state incapable of labour; many of them, I see, were women, and others children; it was not that we removed them at their own request, so much to get rid of them, but because it was an act of humanity to them, in the position in which they were placed; for instance, in the case of the two females of the name of Gleeson, they had tried to get employment but had not been successful.

3453. The case of the incorporation of Chester is an exception to the general management of Poor-law Unions in the country. Will you give us an account, practically, of how your Board acts towards a pauper applicant?—If he is an able-bodied pauper, we apply the workhouse test, whether Irish or English; if he is not able-bodied, we deal with the case according to the special circumstances under which it comes before us.

3454. In the workhouse test, have you stone-breaking yards, or any other industrial employment?—We have stone-breaking yards into which we put able-bodied men to break stones. Some years ago, we made a very considerable profit by that mode of testing able-bodied labourers. In the winter season, even when classes of men are thrown upon us who, we know, have no employment, and are entirely destitute, we give them stone-breaking, and we pay them for it as out-door paupers; but the operation, either through better times or through their not liking that stone-breaking test, is this, that I do not suppose we have had a man upon the stones these last three years.

3455. Practically, you have found the workhouse test and the stone-breaking test quite sufficient to protect the rights of the ratepayers?—Yes, against able-bodied pauperism; that is the only sense in which we make use of the test.

3456. I understand that in your incorporation there is another rule also, namely, that you do not adhere strictly to residence. You do not remove a party because of his change of residence from one parish to another?—No, we do not. The Five Years' Residence Act is very defective, even if you admit it in

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in principle, which I do not. I think it a very vicious Act myself; but if its principle is admitted, instead of being a parochial residence, it ought to have been (in order to have been operative for, and not to have operated against the poor) a union residence. I will illustrate it by the state of Chester: Chester is composed of nine parishes; the suburban parishes are those in which the poor chiefly reside, and in which the rates are the heaviest: the rates there run up to about 3 *s.* 6 *d.* or 4 *s.* in the pound. In the interior parishes, where the best of the population is, and where the most wealthy people are, and where very few poor persons reside, the rates are not more than 1 *s.* 6 *d.* in the pound. A party gets what is called an industrial residence in one of the parishes and becomes chargeable, and is not removed from the parish; but if he happens, by any means, to move across the street, the industrial residence is broken, though in the same city, and he is subject to all the hardships of this Act. Now, it is very easy to compel a breach of residence; a sort of conspiracy between parish officers and the owner of cottage property will produce that effect; particularly if the man is an Irishman; he can hardly get a residence anywhere else. We have always felt very great unwillingness, when either English or Irish have accidentally and unknowingly, and without knowing the operation of the law, changed their residence, to remove them. In the cases of English, we have generally sent them to the parish where we supposed their settlement to be, but we have avoided it as much as we possibly could, because we felt it a hardship to both Irish and English. We generally get the parish upon which they are settled, to give an order for relief.

3457. For what time has your Board acted upon the principle of non-removability?—We have acted generally upon the principle of non-removability since 1852, I think. But before I was ever connected with the Board, under the administration of former gentlemen in Chester, I do not think there was any very great disposition, as far as I can understand or see by reading the books, to unfairly and oppressively remove the poor.

3458. I suppose the rule upon which your Board acts, is pretty generally known through the country?—It is so well known through the country that we do all these things upon fair principles, that any representation which we make, for instance, to Liverpool, is generally taken for granted. The Liverpool select vestry and the parochial officers behave with very great fairness. They will relieve any of our poor who have been resident in Liverpool, particularly if we request that they shall not be removed from their associations; and we relieve theirs without going to the expense of removal on break of residence, or when the forms of the law would enable us to get rid of them.

3459. Have you practically found that the pressure of pauperism upon your district has been unduly augmented by reason of the rule to which you have just referred?—No.

3460. Have you found it otherwise?—I cannot exactly say we have found it otherwise; we have found that it has not increased the charge upon us. In fact, we have found a very great disposition, with respect to foreign parishes, to aid our views, knowing the principles upon which we act, with the exception of Manchester and other places, where they have tried to adhere to the letter of the law rather more strictly than I admire; but which is sanctioned by the Poor Law Board, that people shall not be relieved out of their own parishes and unions.

3461. *Chairman.*] You mean non-resident relief?—Yes; I think the principle is carried out too strictly myself.

3462. Mr. *Grogan.*] You have stated that in the case of a pauper applicant for relief, you have sent him to the workhouse, and applied the test of breaking stones?—Yes.

3463. What is the extent of accommodation in your poorhouse?—I think it has been certified by a previous inspector to Mr. Doyle, at somewhere about 360; we have more accommodation now, but we have never had another certificate since. We have now about 230 in the house, a great number of whom are women and children.

3464. Sir *J. Trollope.*] Do you keep all in the same house, adults, and women, and children?—Yes, but in different wards.

3465. Without access to each other?—Ours is a workhouse which has been constructed nearly 90 years; it is defective in many respects, but we keep the separation, not of sexes, but of classes, as much as we possibly can.

3466. Have

3466. Have you ever been recommended to rebuild it on a more modern plan?—I fancy we have never been visited by a poor-law inspector yet but that has been his first remark; I would second it, if we could get the ratepayers to agree to it. But unless they did agree, I would not press the measure.

3467. Mr. *Grogan.*] What has been the average number of paupers whom you have relieved annually?—The weekly average in the house has been, for many years, about 230; I am not able to make any statement as to the number relieved in any one year; perhaps 10 are discharged one week, and 10 are admitted, perhaps, in the next week, and some who are admitted have been in before.

3468. What may be the number on the out-door list?—About 1,000; but in the late severe weather, in the frost, they sprang up to 1,600.

3469. I presume the treatment of in-door paupers or out-door paupers with you is not more strict or severe than in any other union in the kingdom?—It is not more strict; we conduct our workhouse, as nearly as the building will permit, upon the principle sanctioned and recognised by the Poor-law Board under their workhouse order, which we are bound to obey. As respects the out-door relief list, we do not give any relief to able-bodied poor, unless with the direct sanction of the Poor-law Board. For instance, under the statute, if we think it is a case in which we can give relief we give it, and make the usual application to the Poor-law Board to sanction it. The number of applications in ordinary times are so few that I can scarcely charge my memory, except in a case of emergency, when we had to make an application to the Poor-law Board. In the last winter, on account of the frost, I deemed it my duty to feel the pulse of the Poor-law Board upon that question, and we got an answer authorising us to give food relief to a great extent to any destitute Irish and English in want of labour; we gave money relief as well; and I fancy the Poor-law Board must have believed that we exercised the power judiciously, for they did not disapprove of a single case. We had a very judicious relieving officer, newly installed in office; we had no undue pressure of either Irish or Welsh; we had a number of 600 in excess of our usual number relieved; everything was conducted with order and regularity. I think the Irish got their due proportion of relief, and the very moment they got labour again they went to their usual avocations, and we heard no more of them.

3470. Are you of opinion that the enabling a pauper to find labour for himself, in any of the parishes in your incorporation, and not confining him to one in particular, has conduced to the circumstance of their being so small a number of able-bodied applicants?—Unquestionably the less you interfere with the industrial residence of the poor the better they are able to provide for themselves. That is one reason why I disapprove, entirely, of the principle of the Five Years' Act, nor am I more enamoured of it when they talk of reducing it to two years, or, as the learned Baron suggested, one. I think it is vicious in principle.

3471. *Chairman.*] Are you referring to parochial residence?—Yes; or even union residence; that, I think, is an interference with the freedom of labour. I will illustrate it in this way: I will take the locality of Birkenhead. Suppose you reduce it to one or two years; an Irishman or Englishman comes, and obtains an industrial residence of either one or two years; he gets to know that that exempts him from compulsory removal. If labour becomes slack in Birkenhead, and is better in Manchester, he will feel an indisposition to remove from where labour is slack to where it is better, because he does not wish to break his industrial residence and go to another place, where, if labour becomes slack and he becomes destitute, he will be liable to be removed. I think that that is an interference altogether with the rights of labour, and an interference with the freedom of labour.

3472. Mr. *Grogan.*] Is it within your knowledge, in your own district, that the able-bodied poor, both male and female, use every effort to maintain themselves by their own labour, being enabled to go from one parish to another in search of that labour?—I think that there is a very much better disposition, on the part of persons, not to be chargeable to the rates now than there was in former years. I think we have evidence, daily, that the population in this country is more inclined to self-reliance than was the case at any other period, and I think that applies particularly to the Irish population, who come to labour in England. I think that every year which goes over our heads shows a greater

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a greater disposition, on the part of the poor, to self-reliance, than to live either upon charity or benevolence, or upon the funds of the ratepayers; and when you give them the greatest possible freedom to encourage that principle I think you will naturally save the aggregate rates of the kingdom, very materially, as well as the rates of individual parishes.

3473. Am I to understand as the purport of your evidence generally, that in your opinion, where you do not enforce the power of removal strictly; where you allow a poor man to get his bread as he best can in any of the parishes in your incorporation, and where the treatment of the poor, either in-door or out-door on your list, is not inferior to that in any other union in the country, the pressure on the ratepayers is not increased by that liberal administration of the law?—It certainly is not increased; we have now no able-bodied pauperism upon the Chester rates. Formerly, we had a good deal of able-bodied pauperism. When I first had to do with it, I must confess that there was rather a lax administration; but applying tests, we in some measure did away with that, and by the better employment through the country, and I think by the better disposition of the working classes generally, the rates are relieved in a very remarkable degree. Speaking from memory, not having the statistics with me, I will just mention that, some 40 years ago, the population of Chester was under 20,000. I believe upon the census of 1851, the population was about 28,000. The charge upon the rates, when the population was under 20,000, was very considerably more than it is now when it is 28,000; and I believe at that time, a great deal of money was given to able-bodied poor. The price of provisions then would be 25 per cent. lower than it now is; we have had the cost of pauperism down as low lately as about 5,700 *l.*; in round numbers, 6,000 *l.* Last year, notwithstanding the rise in the price of provisions, which has been cent. per cent. (I recollect that wheat some time ago was only about 40 *s.*, and now it is 80 *s.*), the increased cost, in consequence of the rise in the price of provisions, was about 10 per cent. The cost last year was about 6,600 *l.* A good deal of that cost was in consequence of the high price of provisions in the workhouse, but the ratio of relief in individual cases is 25 or 30 per cent. more than it would have been two or three years ago. Although we have an increased charge of pauperism, I think we have a decreased number of paupers, a great part of our poor now being aged people and children; and persons in a state of widowhood or orphanage. We have felt compelled, in consequence of the rise in the price of provisions, to give them relief in a greater ratio than we formerly did.

3474. You have already stated, that if the compulsory power of removal were abolished, the same influx of paupers would occur in particular localities; Liverpool, for instance; do you consider it advisable to retain the power of removal *in terrorem* to prevent applications for relief?—No; I think it is unjust to the poor, and of no practical benefit to the ratepayers. I think, if ratepayers will do their duty, and submit to having a proper provision for pauperism, namely, well-regulated workhouses, and proper tests for able-bodied pauperism, and also what I consider a very great desideratum in workhouse matters, viz., well-regulated industrial schools for the children, they will be able to treat the pauperism, whether Irish or English, so as to meet the emergency of the case, without resorting to either cruelty or oppression; and they will find ultimately a great saving to the rates, besides elevating the character of the population.

3475. In your own particular union, do you consider that there is any undue pressure of Irish able-bodied pauperism?—We have no Irish able-bodied pauperism at present. I do not believe we have above 3,500 resident Irish in Chester, out of a population of 28,000; that is, about one-eighth of the population. About one-eighth of that number, perhaps, in the course of the year, becomes chargeable, by some means or other, upon our books; but, except in such a case as the last severe frost, I have not seen an able-bodied Irishman at our Board for the last three or four years who has been a resident Irishman; I must make this exception, unless he has met with some accident which has incapacitated him from labour.

3476. Your workhouse in Chester is not sufficient, I believe, to receive in-doors all the pauper applicants?—It is sufficient to test the able-bodied; we have accommodation now for 100 more than are in the house at present.

3477. I thought you stated that you employed a good number in stone-breaking?—That is done even when they are in-doors. Supposing an able-bodied

bodied person applies for relief, we not only give him the workhouse, but we give him the stone-breaking too.

3478. Do you give stone-breaking out of the workhouse?—We did in some former years, to break down the pauperism of a particular class of persons who pressed upon us, and who were natives of Chester; they were the fishermen. Every winter, after having spent their earnings in the summer, they came upon us in a state of destitution, and we determined that they should have no relief except what they worked for, and we gave them out-door stone-breaking, which had the desired effect of either making them more provident or making them look out for some other employment than that of fishing at that emergency; we have never seen anything of them since, until the last frost, when we dealt with them as with all other persons.

3479. Judging, therefore, from the experience of your own union, you see no impossibility in carrying into effect, in the other unions of England where the workhouse accommodation is not sufficient, as a test of destitution, a system of labour test in the same manner as you have described?—Not the slightest; it is a mere question of magnitude, the larger the town the larger the means. In ordinary times, I do not think they feel any very great difficulty in Manchester. The Manchester Union is exceedingly well-conducted; but there are times when the whole population of the country suffers, whether Irish or English, and you cannot legislate for those times; you can only legislate for the ordinary circumstances of the people.

3480. You have already stated, that in your locality you have no able-bodied Irish pauperism chargeable on your rates?—No.

3481. Could you accommodate a greater number of Irish labourers advantageously?—I hear week by week, excepting in the depth of winter, a general complaint of the want of labour, whether English or Irish, and a very great quantity of farming labour around our town is now done by the Irish labourers, men, women, and children.

3482. Could you get on with your agricultural works without the assistance of Irish labourers?—Certainly not; the great majority of Irish labour resident in Chester is occupied in agricultural pursuits within a radius of six or eight miles; some return home every night, others only once a week; and the farmers with whom I have conversed say, that the Irish are very industrious and well-behaved people, and I know a great many places where they are employed permanently, and give very great satisfaction; as a general principle, I should say they were equally well-behaved, industrious, and well-conducted as the English population.

3483. You have given us some statistical evidence of the increase of population in towns, both in Manchester and Liverpool; of course part of that increase may be considered as of Irish extraction?—A very large portion of it, and another very considerable portion of it is of Welsh extraction. As respects Liverpool, it is generally computed that about 50,000 of the population of Liverpool are either Welsh, or descended from the Welsh, but nobody ever thinks of removing the Welsh in the same manner as the Irish. If a Welshman becomes chargeable he must be put through the regular process of an English order of removal, subject to appeal; the only difference is that the line between Ireland and England is the Irish Sea, and the line between Wales and England is what was formerly called the Marches, a certain part where if an Englishman was found by a Welshman he killed him, or if a Welshman was found by an Englishman he killed him; and there was more legislation about Welshmen coming across the border, or Englishmen going there, than there has ever been about Ireland. I think you will find that both Irish and Welsh were in those days treated with a very great deal of hardship and cruelty, and some as aliens; sometime in the reign of Henry the Eighth the statute passed which incorporated Wales with England, and Wales since that has been treated as an integral part of the realm; they have never given that great boon to the Irish, but have treated them as aliens.

3484. Mr. *Cheetham.*] Is not the Law of Settlement the same in Wales as in England?—Yes, of course.

3485. And there is no settlement in Ireland?—There is no settlement in Ireland.

3486. Mr. *Grogan.*] Could the great manufacturing business carried on in Liverpool and Manchester, in your opinion, be sufficiently carried out without

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the assistance of Irish labour?—If you withdrew the Irish labour you would throw all the business of the country into a state of paralysis.

3487. Then after having the assistance of Irish labour, if parties become chargeable from old age, or from the head of the family being cut off by disease or accident, is it just that the other members of the family should be remitted to Ireland where their connexion is broken?—I consider it exceedingly unjust and exceedingly cruel. You cannot pursue the same course of conduct towards a Frenchman or a Dutchman, or a Spaniard. If you import French, Dutch, or Spanish labourers into this country, and take advantage of their labour, and those parties ever become chargeable to the rates, where is the power in law to remove them to their own country? I know of none; in fact the Irishman is treated worse than the subjects of foreign countries.

Edward Gulson, Esq., called in; and Examined.

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3488. *Chairman.*] I BELIEVE you are the senior Inspector of the English Poor Law Board?—I am.

3489. How long have you been connected with the Poor Law Commission?—I was appointed on the first constitution of the Poor Law Commission, and I was the first Assistant Commissioner sent out under it.

3490. That was in 1834, I believe?—It was.

3491. What part of England did you then take?—I first went to Berkshire, where the first unions were formed in England; from thence to the counties of Oxford, Buckingham, Worcester, and Gloucester; from thence I went to Lincoln, Notts, and part of the West Riding of York.

3492. That was a new district?—It was. In 1838 I went to Ireland with Mr. Nicholls.

3493. Was that for the purpose of taking the preliminary measures for the establishment of the Irish Poor-law system?—It was. I was also the first Assistant Commissioner sent out in Ireland on the constitution of the Irish Poor-law. I remained in Ireland until 1847. I then had a district, comprising Warwickshire, Worcestershire, Herefordshire, Monmouthshire, Oxfordshire, Buckinghamshire, and part of Wales. After having been there some time I went to the West of England, where I have been employed ever since, having Somerset, Devon, Cornwall, and part of Dorset under my supervision.

3494. You would appear to have had great experience in almost all parts of England?—I think I have. Whilst in Ireland I was first employed in Ulster, then in Connaught, and afterwards, on Mr. Nicholls leaving Ireland, I acted with Mr. Power under a delegation from the Poor Law Commissioners. We acted in Dublin together, and during that time I visited every union in Ireland several times.

3495. How many years were you altogether in Ireland?—Between seven and eight.

3496. Have you directed your attention particularly to the subject of our inquiries?—I have.

3497. You are aware that one important department of those inquiries is the question, whether the power of removal of Irish paupers from England should be retained?—I am.

3498. Have you formed an opinion as to how far it is expedient that that power should be retained or abolished?—I think that it would be unsafe to abolish the power of removing the Irish.

3499. Will you state the grounds upon which you arrive at that conclusion?—I think that it would be unsafe, because England would have, in that case, in my opinion, to support a large portion of the pauperism of Ireland.

3500. How would the abolition of the power of removal, in your opinion, bring about that result?—First, it would prevent the removals which now take place; and what in my opinion would be of infinitely more importance, it would cause a vast number of persons to come to England for the purpose of receiving the much more liberal relief afforded here than in Ireland, and it would therefore bring a much larger burthen upon the English ratepayers. I think, in fact, that the two systems of relief are so totally different in the two countries, that you cannot safely abolish the power of removal of Irish paupers.

3501. Will you point out the principal differences upon which you ground that

that opinion?—The first great difference is that in Ireland the relief is confined to in-door relief; in England the general system is one of out-door relief, because about eight persons are relieved out of the workhouse for one who is relieved in. Again, in-door relief in England is very different from in-door relief in Ireland.

3502. In what respect?—In many respects; it is different as regards the dietary; it is different as regards the workhouse management; workhouse relief in Ireland is infinitely more stringent than workhouse relief in England; the workhouses themselves are much better calculated, in Ireland, to carry out a stringent system of relief than the workhouses in England. The Committee are aware, that in England the Poor Law Board have no power, and the Poor Law Commissioners never had the power, of either ordering the building of a workhouse, or of laying down the plan for a workhouse if it was about to be built. English workhouses, therefore, are very imperfect and incomplete for the purpose for which they are intended, as compared with Irish; for in Ireland, the Poor Law Commissioners had the power, and exercised the power, of laying down the plans for the workhouses; they ordered them to be built; they superintended and built them themselves, and then called upon the Irish ratepayers to pay the cost of the erections; the Irish workhouses are more complete than any workhouse I ever saw in England.

3503. Having pointed out those differences between the Irish and English systems, in your opinion would it be practicable so to deal with the system in England as to put it upon the same footing with the Irish; could you have one system of uniform in-door relief in England?—It is impossible in the present state of public opinion.

3504. You say the law, as it stands, would not admit of it?—The law, as it stands, would not admit of it, and I am sure that the Legislature would not consent to restrict relief to in-door relief only, public opinion in England being, as it is, strongly against such restriction. I am speaking in the presence of the President of the Poor Law Board, who knows more about the matter than I do; but all legislation, and all practice, has been that of relaxation since the first few years of the establishment of the English amended Poor Law, in consequence of public opinion being against a more stringent administration.

3505. Mr. *Cheetham.*] Could we go back to the period before the relaxation?—Yes; but still I say that it would be totally impossible to assimilate the mode of relief in England to that which exists in Ireland.

3506. *Chairman.*] Is there any period in English history to which we could go back, when we should come to such a system as now exists in Ireland?—Never.

3507. In your judgment, could such a system ever be introduced into this country?—I think it would be a great advantage to the country if it could; but I am bound to say that I think it could not.

3508. Do you feel any doubt that you could not introduce a system of exclusively in-door relief, or anything like it?—I am sure you could not; it is out of the question; I look upon it as an impossibility.

3509. You have yourself had a good deal of experience, have you not, in overcoming difficulties in your own part of the country with respect to the erection of workhouses?—I have. In the district which I now superintend, until lately, no workhouses were built in many unions, 20 years having passed since the first constitution of the Poor Law Commission, which I may say based the system of relief upon the establishment of workhouses; till within these last two years, in several of the unions in my district, there has been no workhouse at all. I have fortunately overcome the difficulty within these last 12 months in several.

3510. Mr. *Cheetham.*] What was the objection to the establishment of workhouses; was it on the part of the ratepayers?—Wherever the workhouses have been brought into operation, the effect has been most useful; but in the unions to which I refer, where the necessary legal consent has so lately beeno btained, the workhouses are in the course of erection at the present moment, and therefore no effect has yet been experienced from them. I have at the present time five workhouses in the course of erection in unions in which there has hitherto been no workhouse.

3511. From what cause arose the delay in the erection of those workhouses?—The opposition created by public opinion against the workhouse system generally.

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generally. Going out first as the Assistant Commissioner to introduce the new law, I experienced the opposition created by public opinion, as regarded the erection of these workhouses, to a greater extent than others. I went nowhere without having to fight a battle with respect to it. It was with some difficulty that we got workhouses built from time to time, as we did. Public opinion was against it. Parties said, "What an expense it will be to us!" and then public opinion was against the restriction of relief; so that altogether great difficulties have been encountered as regards the erection of workhouses in England.

3512. *Chairman.*] Even when you have got your workhouses, would it then be practicable to have in those unions anything like an exclusive system of in-door relief?—No; because the workhouses would only contain about one-tenth of the persons relieved; therefore, supposing it possible that the public were to adopt the system of in-door relief exclusively, we must build our workhouses ten times as large as they are, and I am sure the ratepayers would never consent to the outlay of such a sum of money as would be requisite for this purpose; and then, again, I am sure public opinion would be most violent against the restriction of the relief to in-door relief.

3513. Sir *J. Trollope.*] You began in Ireland, in a country where no Poor-law, nor any statutes, were in your way. You began upon a fresh field altogether?—We did, and there the battle was a totally different one; the battle was quite as strong and vehement there. In England the battle was to restrict relief; in Ireland it was to induce the Irish to afford relief which had never hitherto been afforded.

3514. And in Ireland the whole system is carried on under the direction of the Government, whereas in England it is carried on under the direction of the ratepayers?—Yes.

3515. That made a difficulty with regard to the last-named country?—Yes.

3516. In Ireland, the whole of the workhouses; has not a portion of the money for the erection of the workhouses been advanced by the Government?—Yes; it was all advanced by the Government.

3517. Has any portion of that money been remitted by the Government?—Yes; I think a portion of it has been.

3518. Then, in fact, a portion of the building of the workhouses in Ireland has been done upon the general taxation of the country?—Yes.

3519. Mr. *Grogan.*] Are you quite clear upon that point?—I should not like to say very positively that I am, yet I have no doubt about the fact of a portion of the money having been remitted; but upon that point I will obtain for the Committee more precise information.

3520. Have you any means of knowing what was the total cost of the workhouses in Ireland?—There is a Parliamentary Return showing the total cost; I will furnish the Committee with it.

3521. The money was advanced by the Exchequer Loan Commissioners for the building of these workhouses, to the different unions?—Yes.

3522. And it was to be repaid, commencing on a given day, by certain instalments?—Yes.

3523. The past instalments, as far as you know, have been regularly paid?—They were regularly paid in the north of Ireland up to a certain period, but they were not regularly paid in the west or the south.

3524. Sir *J. Trollope.*] I think you left Ireland about the time of the great pressure of distress in that country, in 1847 and 1848?—I left Ireland just at the commencement of the pressure.

3525. Then, in fact, these events, if they have occurred, have occurred subsequently to your leaving Ireland?—Yes; but I wish to say that, when I was acting under delegation in Dublin, we had continued correspondence with certain unions; I cannot recollect, without reference to papers, which unions, but I know that in the south and in the west we could not get the instalments paid, and we were in continual correspondence with them, urging the payment of these instalments. In the north we had no difficulty; the north paid their debts until, I recollect perfectly well, the north saying: "We are quite ready to pay our own debts; but unless you make the people in the south and the west pay as well as ourselves, we do not see why we need go on paying."

3526. Were not you placed in such difficulties at that time to carry out your orders that you were obliged to appoint to many unions in Ireland paid guardians?—That was after I left Ireland.

3527. Because the local guardians would not strike a rate?—Yes; I recollect the argument of Belfast perfectly well. Belfast paid in a most straightforward manner up to the time when they found that other parts of Ireland were not paying, and then, as I said before, they said, "We do not see the justice of our being compelled to pay until others pay."

3528. Mr. *Maguire.*] Has it ever been urged by the unions in the south and west of Ireland that the mode in which the buildings were constructed was most faulty, that the expenditure was most profligate, and that, in fact, in a variety of ways, it was greatly to the injury of the public that there was this despotic power?—I think that the complaint to which you refer was not confined either to the south or to the west; I think the complaint extended over all Ireland; in the north, where they did pay, as well as in the south and west, where they did not pay; and I am speaking in the presence of a Member of this Committee who knows the fact.

3529. If the complaint was general and just, would not the state of facts upon which the complaint was founded be more sensibly felt by the poorer portions of the country than by the richer?—No doubt about it; I do not at all mean in what I state to indicate any opinion on my part that the complaint was just or unjust; I merely state the fact that the complaint was general.

3530. *Chairman.*] You have said that, in your opinion, it would be impossible to introduce into this country anything like a system of exclusively in-door relief; supposing you had workhouses for the whole pauper population, in your judgment, would public opinion in this country allow the introduction of such a system of dietary, and treatment in other respects, as you understand to exist in the Irish workhouses?—Certainly not.

3531. Does that, in your opinion, constitute a great additional difficulty in the way of taking away the power of removal?—It certainly does.

3532. Upon what classes would you expect it to operate, injuriously, if you were to take away the power of removal; you say that the existence of the power, at present, prevents a number of persons who would otherwise come, from coming into England and throwing themselves upon the rates; how is it with regard to large classes, living in England, who know now that they are liable to be removed, and who, if the power of removal were taken away, would no longer be liable to it?—I think, in considering the question of removal and non-removal of Irish from England, you must look at it separately as it affects two classes; the one consisting of able-bodied, industrious persons, who come over to England with the full intention of maintaining themselves by industry, and the other being the pauperism of Ireland, the disabled, and those who are totally unable to earn their living. I am not afraid of the man who comes over here to earn his living; I think that that man may fairly be entitled to non-removability, after he has satisfied the rate-payers that he came over here legitimately for that purpose: say by a certain term of residence. But as regards the actual pauperism of Ireland, those who are unable to labour, no test of that kind could be applied to them; if they are set down upon the shores of England they must be relieved here, unless they can be removed; and it is of that class that I am afraid, provided the law of removability was done away with.

3533. Do you agree in opinion with the witnesses who have said before this Committee, that in such places as Liverpool and Manchester, for instance, and large towns, there is a large population, who, if the power of removal were taken away, would throw themselves upon the rates?—I am satisfied of it; it is not so much, I think, the number of persons actually removed that we have to consider, and the difference which an alteration in the law would effect at regards them, but it is the difference which would be created by the absence of the power of removal; it is the existence of the power, and the knowledge of its existence, which operates so usefully.

3534. You are aware that it is coupled with a discretionary authority on the part of the magistrates here to remove?—Very wisely so I think.

3535. In that respect the Irish pauper has an advantage over the English pauper, has he not?—Yes, a large one.

3536. There is no discretion of that kind in the magistrates, when they are called upon to adjudicate upon the removal of an English pauper to his place of settlement?—There is not.

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3537. But you think it is very desirable to retain that discretionary authority of the magistrates, in dealing with the Irish cases?—I do.

3538. Having expressed the opinion which you have, as to the expediency of retaining the power of removal, can you favour the Committee with any suggestions for the improvement of the present law?—I think the present law is defective. First, I would place an Englishman in Ireland upon precisely the same footing as an Irishman in England; I would give to the Irish the power of removing the English just as we possess the power of removing the Irish; I would also amend, if I could, the system under which persons are removed to Ireland.

3539. Will you state what has occurred to you upon that subject?—You have it in evidence that persons have been removed from England without orders of justices. I think that no person should be removed from England without an order of justices, under a very severe penalty upon the person so removing him. I also think that no order should be granted without a *vivâ voce* examination of the pauper, and that that *vivâ voce* examination should be committed to writing.

3540. And in open court?—In open court, certainly. I also think that no pauper ought to be removed to Ireland without a fit and proper person accompanying him to the place to which he is to be removed, and that that person should be held responsible to hand over the pauper to the Poor-law authorities, to the persons in charge of the workhouse, in fact, of the union where he is taken; and I think that a copy of the examination ought to be appended to the order of removal, so that they may see the grounds upon which he is removed. If any dispute arises about it, practically, the present appeal is of no avail. It appears to me that it would not be difficult to arrange a system of appeal which would be practically efficient, as between the Irish Poor-law Board and the English Poor-law Board. I think if any person objected to the removal of a pauper upon the examination appended to the order, it might be referred to the Irish Poor-law Commissioners, and the Irish Poor-law Commissioners might communicate with the English Poor-law Commissioners. I have no doubt that those two parties would, in 99 cases out of 100, be able to come to an amicable and just arrangement regarding it. If I am right in that opinion, it would only be for the English and Irish Poor-law Boards to say, when they could not agree, that they would refer it to some barrister or to a referee; but that case or emergeney would only be quite expcetional.

3541. In the case of an appeal, I dare say you would consider it proper that the power of appeal should belong to the Irish Poor-law Commissioners, and not to the English Poor-law Board?—Certainly; and I think the Irish have every reason to be dissatisfied with the appeal belonging to the English Poor-law Commissioners, who may be supposed to be in favour of the parties appealed against.

3542. Did you hear Baron Alderson express an opinion this morning, that something might be done in the way of referring disputes of this kind to the Inspector, that he might exercise the power of deciding; how far should you think that practicable; is it a suggestion which you think you could make available in any way?—It is not.

3543. You think that it would not be practicable?—I do.

3544. You think, then, that some such plan as that which you have now sketched out would be the most feasible one?—Yes; I think it would not be difficult to arrange some plan of that kind.

3545. Something has been said here about the Irremovable Act; the Committee will be very glad to have your opinion upon that subject, as to the length of time which should be deemed necessary to give the privilege of irremovability; it is at present five years, as you weil know?—Yes.

3546. Does anything occur to you upon that subject?—My own individual opinion is, that no harm would accrue from reducing it to three years.

3547. You think that that might afford a sufficient test?—I do; it is five years in a parish now.

3548. What do you say as to the area?—I would certainly make it three years in the union; I think that the restriction to a parish cannot be maintained upon any sound principle whatever; there being a parish on one side of the street

street and another parish on the other side of the street, if a man moves from a house on one side to a house on the other, he loses his irremovability.

3549. You have heard the illustration given by Mr. Trevor, the last witness, of nine parishes in the city of Chester; a person goes out of one parish into another, and there is an end of the irremovability?—Yes; as an instance, Maidenhead not being a parish, but a town nearly a mile long, consisting of one long street, one side of the street being in the parish of Bray, and the other side of the street being in the parish of Cookham, a man moving from one side of a street to the other, even in this agricultural district, loses his right of irremovability; and I think it inexpedient that the right of irremovability should be restricted within or governed by such narrow limits.

3550. Might not an alteration in the area of residence make a material difference in the question of cottages for the poor?—I am sure it would.

3551. Just explain that point to the Committee; your experience makes your opinion very valuable upon such a subject?—It is well known that in many cases where persons possess most or all of a parish, they have frequently either pulled down the cottages, or have allowed their cottages to go out of repair, for the purpose of getting rid of the burdens which are entailed by the residence of persons in those houses.

3552. Within their own parish?—Within their own parish. I happen to have myself a brother-in-law who is the clergyman of a parish in which there is neither house, church, nor inhabitant.

3553. Where is that?—In Lincolnshire; the whole of the parish belongs to one person, who has a small portion of his property running into an adjoining parish, in which there are perhaps 100 proprietors. He, and his father before him, have pulled down every house in the parish which altogether belongs to him, and he has driven the labouring poor into the parish where he does not pay 100th part of the rates. He would have to pay all, or his land would, which is the same thing, if the poor resided in the parish which altogether belongs to him.

3554. If the burthen arising from residence were changed from the parish to the union, it would do away with those inducements?—Yes, which now lead to the driving of the poor from one parish to another, and allowing their houses to go out of repair, and doing things of all kinds which affect the interests and welfare of the poor. I mention that case in Lincolnshire, as a very extreme one; it is only fair to say that I do not know of another so extreme as that, although I know a number of instances in which the same result is being carried out in a less degree.

3555. Must not the same motive necessarily be operating all over the country as between parish and parish?—All over the country; I was some time ago, by direction of the Poor Law Board, taking averages in a union in Devonshire, and I found that, in a certain parish, or perhaps two, the rates had gone down to a mere nothing, and consequently that, according to the new averages, the parishes in which the rates had gone down to nothing would have nothing to pay towards the establishment charges, if those new averages were declared. I went to the Board of Guardians, and explained the matter, and I was then told that the proprietor had been driving the poor out of his parish to the adjoining parishes, and had thereby lessened the cost of relief, for the purpose of reducing the establishment charges. The Board of Guardians then entirely altered their mind as to the application of the new averages, and representations were made to the Poor Law Board, begging them to go on upon the old averages rather than upon the new ones.

3556. It has been said here by some witnesses to follow as a necessary consequence, that if you take away the power of removal in England, between parish and parish, you must take away the power of removing paupers from England to Ireland; what is your opinion upon that point?—I do not see that there is any connexion between the two cases at all; I think the proposition is inappropriate altogether, as regards the Bill introduced by the President of the Poor Law Board for the abolition of removals in England and Wales.

3557. Are you yourself favourable to taking away the power of removal, as between parishes in England, on the ground of settlement?—I have had occasion to be examined before several Committees of the House of Commons, and of the House of Lords, for some years past, which have from time to time been appointed to consider that subject; and if my evidence is referred to, it will

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be seen that for many years past I have been fully satisfied of the inconvenience and injury arising to the poor man, as well as to the employer of labour, from the existence of settlement laws, and I think that nothing will conduce more to the advantage of the employer of labour, as well as that of the poor man, than setting both parties free by the abolition of the law of removal.

3558. That would be from parish to parish in England and Wales?—Yes; some grievous instances have come under my knowledge of the hardships attendant upon the present law of removals.

3559. You do not consider it to be precisely the same question, as whether you shall retain the power of removing the Irish poor from this country to Ireland?—No; because in England we have one uniform system of relief. If Ireland was in the same condition as England in every respect, and the system of relief was the same in Ireland as in England, then, I think, we might fairly consider the subject; but whilst Ireland is so different in condition from England, whilst the system of relief afforded in Ireland is so different from the system of relief afforded in England, it appears to me that it would be very unsafe to abolish the power of removal of the Irish, and that you cannot consider the two questions together whilst there is that most important difference between the two countries.

3560. Mr. *Cheetham.*] You have had some experience in the north of Ireland, I think?—I have.

3561. In the town of Belfast?—Yes; that was the first union formed in Ireland, and I formed it.

3562. Is not that, in the extent of its manufactures, and the industrial employment which it affords to a large mass of people, very much like an English manufacturing town?—Very much.

3563. How does the Irish system there operate as regards the fact of there being no out-door relief?—It operates very well.

3564. Supposing a stagnation comes for a short period, are the families of those labourers engaged in manufactures obliged to break up and go into the workhouse?—All that are relieved are, unless such an exigency were to arise as that in 1847, when the famine occurred. The Poor Law Commissioners have the power of allowing an extension of relief in Ireland in order to meet a case of emergency like that; I apprehend that you cannot lay down any positive rule by legislative enactment which shall meet sudden emergencies like that which arose during the time of the famine. You must meet emergencies of that kind by extreme measures at the moment when they occur, and if the Legislature provide a power of extension in the hands of some competent body, who are constituted the judges of the emergency, I think the case is met much better than by any legislation. In fact, I do not think such a case could be met by legislation.

3565. Then that system of out-door relief existing practically in Belfast, you think that measure not applicable to any English town?—In the large manufacturing towns in the north of England, in the manufacturing districts, the prohibitory order is not enforced; but in many towns it is enforced, and can be relaxed by the Poor Law Board in case of necessity.

3566. *Chairman.*] Are there not a great number of exceptions in it which do not exist in Ireland?—Just so.

3567. You have heard the suggestion which has been made here this morning by the learned Judge with regard to the introduction of a system of non-resident relief?—Yes.

3568. Will you give the Committee your opinion upon the practicability of that plan?—I think the suggestions of Baron Alderson are based upon the establishment of a general system of non-resident relief, which is to be applicable to England and Ireland alike. If there was one evil more than another existing at the time when the inquiries took place which led to the establishment of the Poor-law Amendment Act, and the establishment of the Poor-law Commission, it was the system of non-resident relief then prevailing; and if the evil was great as then prevailing, it would be ten times greater under the general system which is suggested by Baron Alderson. I cannot do better, upon that point, than refer to the evidence of Mr. Hall before this Committee, who brought out what I should otherwise have brought out, namely, the opinion of the Poor-law Commissioners as to the system of non-resident relief. In answer to Question 1910, he reads this paragraph from the Poor-law Commissioners'

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sioners' Report: "Independently of the fact that it (non-resident relief) is contrary to the whole mass of principles on which the English poor-laws have been and are administered, no one who has the slightest experience can hesitate to affirm that its prevalence would tend to more gross imposition on the part of the recipients of relief, and more undetected fraud on the part of the agents who administer the funds, than the records even of the poor-laws previous to 1834 can produce. The authorities in immediate contact with a non-resident case have not their vigilance stimulated by any sense of self-interest; they are spending other people's money." Baron Alderson himself stated, in his evidence, if I recollect rightly, that where persons spent other people's money instead of their own, they were apt to do it much more liberally than where they were spending their own. The Commissioners go on to say: "Nay, more; perhaps they are reaping the benefit of it by employing the man at lower wages than he could otherwise subsist on. The authorities at a distance have no means of ascertaining the truth of a pauper's story, nor any means of verifying the punctuality and veracity of their own agents. But it is needless to condemn a system which, by common consent of all experienced persons, is vicious in principle and in practice." Now that expresses, perhaps more forcibly than I can express, my view of the evils attending non-resident relief. Then, again, it appears to me that Baron Alderson's proposition, as regards Ireland, involves the establishment of a settlement law in Ireland. That has always been vehemently objected to in Ireland, and I think quite rightly. The settlement laws in England have been found to be productive of very great inconvenience, and hardship, and difficulty; and, when we are about to remove them, or hope to remove them, in England, to establish them in Ireland would seem to be a great anomaly. Baron Alderson says, that the relief is to be recovered from the union in Ireland to which the man belongs. As I said before, that involves the establishment of a settlement law in Ireland, to which, I think, the Irish themselves would be the first to object. Then, again, is there to be a settlement in England for Irish paupers resident in England, if there is no settlement for them in Ireland? Then, again, I think the Irish would object (and I think they would be quite right in objecting) to the very liberal amount which they probably would have to pay for an Irishman if he was relieved in this country. If they can relieve a man in Ireland for 1 *s.* or 1 *s.* 6 *d.*, whilst here it costs 4 *s.* 6 *d.*, as it does in many parts of England, I think the Irish would be themselves the first to object to the payment of the 4 *s.* 6 *d.*, instead of the 1 *s.* 6 *d.* under a system of non-resident relief, where they would have no check whatever over the 4 *s.* 6 *d.*, whereas they would have every check over the 1 *s.* 6 *d.*

3569. Mr. *Cheetham.*] You have already stated to the Committee that your opinion is adverse to the abolition of the power of removal of an Irish pauper from England to Ireland?—Yes.

3570. In forming that opinion, have you taken into account the improved condition of Ireland, as regards the more abundant employment of labour; have you taken into account also the continuous emigration which is still going on from Ireland to other countries, and the steadily increasing employment in England of labour; have you taken all those considerations into account as likely to affect this question?—I have taken all those considerations into account; but I think you must see that all those circumstances affect the labouring poor very much more than they do the disabled pauperism of Ireland. The improved condition of Ireland does not absorb the actual paupers of Ireland; it does not absorb the widows and children; it does not absorb the aged and infirm, and that class of people. Therefore, however much the circumstances to which you refer may affect the persons who are able to maintain themselves, provided they can obtain work, they do not affect the others. Considerations regarding the large class of Irish paupers which cannot be absorbed by the improved condition of Ireland, lead me to oppose and object to the abolition of the power of removal. I think you would have half of them here if the power of removal was abolished.

3571. Do you think that that class to which you have alluded, would still find attractions to come over to England?—I am satisfied of it. In the district in which I now am (Plymouth is in my district and Bristol is in my district), I have often seen Irish poor in our workhouses in the West of England, and having been a good while in Ireland, whenever I find an Irish person I generally

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enter into conversation with him, and ask him where he comes from; I never yet met one of them but who preferred an English workhouse very much to an Irish workhouse.

3572. Mr. *De Vere.*] Is it not the fact that the marked improvement which has taken place in the circumstances of the labouring population of Ireland has been accompanied by an equally marked diminution of pauperism in Ireland, of what you call the class of paupers, whom you would separate from the class of labourers?—No doubt it had reduced that class, because when the wholly able could not get full employment, the half able were thrown entirely out of employment. If the fully able are wholly employed, the half able perhaps are partially employed.

3573. Are there not such connecting links between the destitute paupers of the non-labouring class and the labouring population, that you cannot dissever the condition of one from that of the other?—I do not think you can dissever the one from the other, but, at the same time, I must state that there always will be a large mass of positive pauperism existing in Ireland, let the condition of it be what it may. We have it so in England.

3574. Still it is rapidly diminishing at present?—It is.

3575. Are you aware that the returns of pauperism in the last year show a very great reduction in Ireland?—I am; but, as I said before, however great that reduction may be, there is in fact and always will be, both in England and in Ireland, a large amount of pauperism. For instance, in the district which I now superintend, I have more than 100,000 paupers; 91,395 of those are relieved out of the workhouse, and 11,335 are relieved in the workhouse.

3576. You think that the abolition of the removal system as regards the English poor, would tend to the improvement both of the condition of the poor and of those labouring districts which might require their labour?—I am satisfied that it would; by way of exemplification, just let me show you how the present Irremovable Act operates. A case came before our President a short time ago at Bridport, in Dorsetshire. The following conversation took place between a farmer and a miller; our President is aware of the circumstances. The farmer said to the miller, "Do you know of a good shepherd?" "No," he said, "I do not know that I do, but do you want a shepherd?" "Yes." "Why I thought you had one of the best shepherds in the country." "So I have, but he has been with me four years and a half, and it is a rule in our parish not to allow any man to become irremovable if we can avoid it; and, although I believe him to be the best shepherd in the county, and am exceedingly sorry to get rid of him, that rule will oblige me to part with a man whose equal I never shall see." So that the Irremovable Act there operated to deprive the master of a good man whom he was exceedingly desirous of keeping, and to send a very good man adrift to look out somewhere else for work. Setting the poor man free to make the best of his labour, and setting the employer of labour free to obtain the best labour he can, and to get the best man he can, certainly must operate to the advantage of both parties concerned.

3577. *Chairman.*] What you have stated was the rule of the farmer's parish?—That was the rule of his parish.

3578. Mr. *Dunlop.*] They had come to an agreement amongst themselves?—Yes; and I see constantly that same system of agreement going on in parishes. Nothing is more common at Boards of Guardians in the West of England than to hear the guardians saying, "This man must be removed out of the parish before long, or else he will acquire irremovability."

3579. Mr. *De Vere.*] May not the same system operate in depriving a number of Irish residents who are in this country, so as to prevent their acquiring irremovability?—Yes.

3580. Do you think it likely that it does so?—I think very likely.

3581. If you think that the change would operate beneficially as regards the English poor, do you not think that it would also operate beneficially if it were made as regards the Irish poor, putting out of consideration, for the present moment, the influx of pauperism which you seem to think might occur?—I think that the freer labour is made the better, and that if we could put the English and the Irish together safely, we ought to do so; but I think that, under the circumstances in which the two countries are placed, looking to the condition of the people, we cannot safely put the Irish upon the same footing as

as the English (between parish and parish in England) as respects the power of removal.

3582. The only reason why you would except the Irish poor from the rule which you lay down for the English poor is the danger of an influx of pauperism?—It is.

3583. When you speak of the danger of an influx of pauperism, do you mean of that distinct class of pauperism which you mentioned a little time ago as being wholly separate and distinct from the working population of the country, or do you mean to include that amount of pauperism which is inseparable from the working population?—I think it would be unsafe as regards all classes, but especially unsafe as regards those who are nothing but paupers. I think that the knowledge of the abolition of the power of removal in England would increase the number of applicants very largely of the Irish who are now in England. I will suppose for a moment, for the purpose of making myself understood, that if the power of removal was done away with no Irishman now in Ireland would come over to England for the next 12 months. I am satisfied that even under such circumstances the knowledge of the abolition of the power of removal would increase to a very large extent the applications for relief of the Irish who are now resident in England.

3584. I am asking you about the danger of an influx of Irish pauperism from Ireland; the temptations which you think exist, to bring over this class of persons are the difference between out-door and in-door relief, and the difference in workhouse management?—Yes. English relief, in fact, is much more attractive than Irish relief. All experience has shown that there are no people, perhaps, who are more impatient of restraint than the lower orders of Irish. The restraint in their workhouses is infinitely greater than the restraint in the English workhouses; and therefore, independently of the attractiveness of out-door relief as compared to in-door relief, the English workhouse system is of itself very much more attractive to the Irish than the Irish system of workhouse relief.

3585. You have been asked whether it would not be possible greatly to extend the system of in-door relief in this country; I think you have expressed an opinion that it would not be possible to do so?—It would not be possible to increase it to any large extent.

3586. That is supposing that the present law of removal continues; if the law of removal should be altered, and if the consequence of that alteration should be to set labour free, might not that make a great difference as to the power of applying the test of in-door relief?—I do not think it would, because the system of relief is now uniform in England. It fell to my lot to superintend Nottingham at a time when we had 10,000 hands thrown out of employment in one month.

3587. *Chairman.*] In what year was that?—It must have been in 1837. That was under the system of settlement and removal which now exists; but at Nottingham, although they removed some portion of those who became chargeable, yet the evil was met very much indeed by the persons beating out for themselves; and I think that the system being the same in all parishes and unions in England, the people on such a circumstance as that occurring would beat out for themselves, and that in a short time the matter would find its own level.

3588. Mr. *De Vere.*] Do you not think that if the law of removal were altered in the way proposed, the pressure upon the system of in-door relief would be much less than by leaving the law as it stands at present; would not a person sooner go and seek for his livelihood by his labour in the places in which his labour would be most remunerated, if the present obstacles to the removal of his labour from one place to another were done away with, than throw himself upon in-door relief?—I am satisfied that he would. I am satisfied that if the law of removal were done away with, we should set the man at liberty to go wherever he could make the best use of his labour.

3589. That would therefore make it practicable to extend to a much greater degree the workhouse test?—I do not see how it would operate in that way, because at the present time you have not an able-bodied man in the workhouse.

3590. At present, if a man becomes pauperised in one of your large towns, he is afraid to go to a place where his labour becomes remunerative and

valuable, lest he should lose his irremovability, and therefore he is more inclined to throw himself upon your relief than he would be if the law of removal were altered; is not that the case?—No, I do not see that. I do not think that it would make any sensible difference in that respect at all. My opinion decidedly is, that the abolition of the law of removal would rather ease the pressure, inasmuch as it ties men to the parish in which the pressure exists, whereas they would be set free if the power of removal were done away with.

3591. With regard to workhouse management, the superior temptation of the workhouse in this country, you think, partly arises from the more generous dietary, and partly from the more lax system of workhouse management?—Yes; and partly from the circumstance of the Irish workhouses being so superior in themselves, as regards the facilities which they afford for proper discipline and classification as compared with the English workhouses. As I said before, they are much larger, and the larger the workhouse is, the more facility there is for classifying the inmates. Then, again, they were built after the experience which the building of the English workhouses had afforded. We availed ourselves of the experience which we had had, in arranging the plans for the Irish workhouses, inasmuch as they were all provided by the Poor Law Commissioners.

3592. *Chairman.*] Are the Irish workhouses all built after one model?—They are.

3593. Mr. *De Vere.*] The system of the English workhouses is more lax and more imperfect than that of the Irish workhouses?—Infinitely.

3594. And that imperfection of the English workhouses, according to your principles, is a reason for continuing the law of removal as regards the Irish poor?—Yes; inasmuch as the in-door relief is rendered thereby more attractive in England than in Ireland.

3595. Does not that law of removal operate injuriously, and operate as a penalty as regards the Irish poor in England?—I do not think, practically, it does.

3596. Do you not think that there is a great hardship in forcibly sending a man from a place where his livelihood is easily obtained, and the wages of employment are good, back to a country where wages are low, and the demand for labour is very scarce; do not you think that that operates as a penalty?—You speak of sending a man back from a place where employment is plentiful. If he wants employment, and employment is plentiful, he will not be on the rates, and therefore liable to be sent back; he would not apply for relief if he could support himself.

3597. May it not be so from the pressure of temporary circumstances?—In sickness he is not removable.

3598. Are there not other causes besides sickness which may temporarily throw him out of employment?—Under such circumstances employment cannot be plentiful.

3599. It may be plentiful a few miles off, and he may be unable to go there in consequence of the law of removal?—If it is plentiful a few miles off, I think he will go; the present law of settlement has led men to pull down all their cottages and send their labourers many miles for employment, and even to find donkeys for them.

3600. Why should not the system of workhouse management in England be made more strict, and, as you call it yourself, more perfect?—I think it would be of great advantage to this country if that were done; I think that public opinion is against it at the present time; I think that it would require very considerable outlay to render the workhouses as effective in England as they are in Ireland; to that the English ratepayers would object, and they would still more object if the extra expense were to be incurred in order to meet an Irish difficulty.

3601. Then you agree with a great many witnesses who have been examined here, who think that the great obstacle to the improvement of the present system is the state of public opinion?—I do.

3602. Are you aware that the state of public opinion in Ireland is greatly against the removal of the Irish poor?—I have seen it so represented, but I believe that feeling on the part of Irishmen is based upon the desire to lessen the rates in Ireland, and upon the belief that if by any means the power of removing Irish paupers from England could be abolished, a large reduction of

rates

rates in Ireland would follow as a matter of course; I do not believe that there is any feeling in Ireland on the subject, except that which originates with the very common desire which every man more or less entertains, of saving his pocket if he can contrive to do so.

3603. *Chairman.*] What is the state of public opinion among your Boards of Guardians as to taking away the power of removal of Irish poor?—I have no Board of Guardians in my district but would advocate the abolition of the power of removal as being a great benefit to the employer of labour as well as to the poor man himself, if it affected the English only. But great as the evil of the settlement laws is, in their opinion, they think the evil of the abolition of the power of removal of the Irish would be even greater than that of the continuance of the very inconvenient law of settlement.

3604. Mr. *De Vere.*] At what period was it that the difficulty occurred of getting the repayments of the instalments of workhouse loans, of which you spoke, in the west and the south of Ireland?—It must have begun in, I think, 1842, and continued through the years 1843, 1844, and 1845, because I left Ireland in 1847, and before I left, the Belfast Board of Guardians, and some of those in the north, objected to go on because the others had discontinued their payments for so long a period; therefore it must have commenced some considerable time before 1847.

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[See his Examination, p. 357, Report of Poor Removal Committee of last Session.]

Sir, Liverpool, 15 March 1855.

It may be in your recollection that in my evidence before the Select Committee on Poor Removal, I gave it as my decided opinion that it would be very detrimental to the interests of the ratepayers in the parish of Liverpool to pass any measure rendering Irish poor irremovable, under the conviction that their knowledge of this would bring them over in great multitudes, and inflict upon us an injury, not equal in intensity, perhaps, to that of 1847, when we suffered so heavily, but quite as grievous, from its permanent character. You may remember also, perhaps, that I was met with the argument that my apprehensions, as grounded upon the experience of 1847, were visionary; and that, owing to the improved condition of the Irish people, I need not expect any very great influx of Irish, or any very great pressure of Irish mendicancy.

I was not convinced by this argument, and the experience of last February confirms me in my opinion.

You are aware, perhaps, that owing to a long prevalence of easterly winds preventing ships from entering the port of Liverpool, the dock labourers were thrown out of employ; and from the severity and long continuance of the frost, all out-of-door labourers had very scanty employment, and that great distress was the consequence. A large sum of money was raised, and the different charitable institutions were set in activity, and amongst them the District Provident Society, which I described to the Committee as giving relief in provisions, during times of great pressure, to persons applying for the same. This society relieved 12,834 persons, of whom 10,032 were Irish. The numbers were as under:—

English	2,464
Irish	10,032
Welsh	180
Scotch	92
Aliens	66
	12,834

Of the above the Welsh were probably the most destitute, as being principally employed in dock labour; but of them only 180 applied to the society, while of the Irish 10,032 pressed for relief, and, under circumstances, it was not deemed advisable to refuse them.

Appendix, No. 1.

The returns from the parish office show the same result. From the 4th February to the 3d March, 25,560 persons applied for and received casual relief, on the plea of destitution, and of these 20,830 were Irish. The numbers were as follows:—

English	4,018
Irish	20,880
Scotch	357
Welsh	305
Aliens	50
	25,560

You are aware, perhaps, that during this pressure a number of idle and disorderly persons took advantage of the occasion to cause a riot in the town, and a tumultuous mob assaulted and pillaged some bakers' shops. I enclose you a police return, showing the names, ages, and national origin of 106 persons locked up for rioting, and of these 83 were Irish. The returns are as follows:—

Natives of Liverpool	11
English not Natives of Liverpool	11
Irish	83
Welsh	1
	106

I leave you to draw your own conclusions; my own opinion remains unaltered. I do not intend to cast any reflection on the Irish people generally, and have a high value for the services of those who are willing to work; but I cannot resist the conviction, that the majority of those Irish who frequent the town of Liverpool are deficient in the faculty of self-reliance; that they would rather depend for subsistence on eleemosynary relief than work for it themselves; and that, in order to prevent them from imposing upon the rate-payers, it will be necessary to retain the power of removing them; protecting them from the abuse of that power, and restraining the parochial authorities from its harsh and tyrannous exercise.

I have, &c.

(signed) *Augs. Campbell,*
Rector of Liverpool.

The Right Honourable M. T. Baines,
Chairman, &c.

RETURN

RETURN of Persons Locked-up for Rioting in *Liverpool*, showing their Ages and Countries to which they belong.

Date.	NAMES.	Age.	Country.	Date.	NAMES.	Age.	Country.
1855:				1855:			
Feb. - 20	William Welsh - -	65	I.	Feb. - 20	Ann Jane Sherrington -	23	L.
– –	Martin Gallagher - -	25	I.	– –	Martin Logan - -	25	I.
– –	John Dodson - - -	27	I.	– –	Patrick Morgan - -	24	I.
– –	James M'Tighe - -	17	I.	– –	James Goulding - -	19	I.
– –	John Murphy - -	36	I.	Feb. - 21	Michael Curtis - -	23	L.
– –	Martin Cullen - -	26	I.	– –	John Dolan - - -	25	I.
– –	John Kelly - - -	24	I.	– –	Robert Gibbons - -	35	I.
– –	Michael Tighe - -	38	I.	– –	James Gannon - -	24	I.
– –	Pat. Bradshaw - -	11	I.	– –	Robert Hodson - -	21	L.
– –	Honor Gregory - -	27	I.	– –	Michael Riley - -	40	I.
– –	Catharine Riley - -	20	I.	– –	Hugh Cunningham -	29	I.
– –	Martin M'Guire - -	28	I.	– –	John Morgan - -	38	I.
– –	Mary Dooley - -	28	I.	– –	Peter Fern - - -	26	I.
– –	Mary O'Melia - -	23	I.	– –	James M'Loughlin - -	26	I.
– –	James Rice - - -	19	I.	– –	Patrick Cramie - -	28	I.
– –	Margaret Stephens - -	21	I.	– –	Henry Doran - -	26	I.
– –	William Smith - -	23	L.	– –	Pat. Cunningham - -	34	I.
– –	Patrick Cullen - -	40	I.	– –	Bernard O'Hare - -	26	I.
– –	Frank M'Cormack - -	20	I.	Feb. - 22	Thomas Tully - -	34	I.
– –	David M'Pherson - -	31	I.	– –	John Roach - - -	30	I.
– –	Mary Ann Jones - -	17	L.	– –	John Heaney - -	26	I.
– –	Mary Gordon - -	25	I.	– –	James Burns - - -	45	L.
– –	Mary Hopkins - -	19	I.	– –	Sam. Robinson - -	31	L.
– –	Bridget Sweeney - -	20	I.	– –	James Monks - -	39	L.
– –	Ann Gannon - - -	16	I.	– –	Thomas Bond - -	34	E.
– –	Bridget M'Manus - -	20	I.	– –	James Abraham - -	35	E.
– –	John Darby - - -	19	I.	– –	Edward Evans - -	26	W.
– –	Owen M'Govim - -	29	I.	– –	Richard Barlow - -	40	E.
– –	William Darby - -	19	I.	– –	John Mattinson - -	38	E.
– –	Peter M'Garcy - -	30	I.	– –	John Horan - - -	36	E.
– –	Margaret Wilson - -	22	I.	– –	John Brews - - -	56	L.
– –	Aaron Ryles - - -	41	E.	– –	Pat. Hagan - - -	33	I.
– –	Mary Loftus - - -	22	I.	– –	Henry Martin - -	28	I.
– –	Thomas Flannigan - -	45	I.	– –	John Hagan - - -	44	I.
– –	John Murray - - -	19	I.	– –	George Patten - -	23	I.
– –	Pat. O'Donnell - -	15	I.	– –	John M'Pheron - -	27	I.
– –	Thomas Gavan - -	26	I.	– –	Pat. Sweeney - -	30	I.
– –	Ellen M'Donald - -	30	I.	– –	William Toole - -	28	I.
– –	Catharine Kelly - -	23	I.	– –	James King - - -	45	I.
– –	Mary Burke - - -	17	I.	– –	William Larken - -	21	L.
– –	Bridget Murray - -	18	I.	Feb. - 23	William M'Carthy - -	14	I.
– –	Mary M'Tague - -	17	I.	– –	Anthony Corcoran - -	16	I.
– –	Sarah Clayton - -	48	E.	– –	James Lantle - - -	19	I.
– –	Mary Gallagher - -	30	I.	– –	John Egan - - -	18	I.
– –	Ann Devine - - -	16	I.	– –	Anthony Welsh - -	19	I.
– –	John Callaghan - -	37	I.	Feb. - 24	Thomas Murray - -	18	L.
– –	Patrick Welsh - -	41	I.	Feb. - 27	Charles Strachan - -	33	I.
– –	Martin Kearney - -	35	I.	– –	Joseph Wallace - -	28	E.
– –	William Dignan - -	30	I.	– –	Christr. Coward - -	32	L.
– –	John Colloran - -	19	I.	– –	Josh. Bebbington - -	32	I.
– –	Michael Kehoe - -	30	I.	– –	Thomas Shaw - -	28	L.
– –	John Glenn - - -	18	I.	– –	William Bethel - -	31	E.
– –	Matthew Carroll - -	20	I.	– –	Thos. Laurence - -	37	E.
– –	Thomas Clarkson - -	36	I.	Feb. - 28	Richard Cross - -	21	E.

SUMMARY.

Liverpool - - - - - - - - - -	11
English - - - - - - - - - -	11
Irish - - - - - - - - - -	83
Welsh - - - - - - - - - -	1
Total - - -	106

L. stands for Liverpool, E. for other parts of England, I. for Irish, and W. for Welsh. The Liverpool persons were chiefly composed of the very worst characters in the town, and many of the others were also known to the police as bad characters.

J. J. Greig, H.-C.

Appendix, No. 2.

Appendix, No. 2. PAPERS delivered in by *E. Willoby*, Esq., 19 March 1855.

MEMORIAL of the GUARDIANS of *Berwick-upon-Tweed* Poor Law Union.

Unto the Honourable the Board of Supervision for Relief of the Poor in Scotland.

The MEMORIAL of the Guardians of Berwick-upon-Tweed Poor Law Union,

Humbly showeth,

THAT the memorialists are reluctantly compelled to submit to the notice of the Honourable Board of Supervision certain proceedings on the part of the Parochial Board of the city of Edinburgh, relative to the case of Peter Cato, or Catto, a pauper, who was removed from Edinburgh on the 10th of January last, since which time, till the period of his death, which took place in the workhouse at Berwick on Monday the 27th of March, he continued chargeable on the memorialists, and was supported by them. They produce herewith full copies of a correspondence on this subject between their agents in Edinburgh and Mr. Greig, the law officer of the Edinburgh Parochial Board, and of the evidence produced to the inquest at Berwick, which Mr. Weatherhead, the coroner for the town, thought it his duty to hold in the circumstances. A perusal of these documents, which is respectfully requested, will show the whole nature and details of the case, and some reference to the leading facts shall here be made by the memorialists.

1. It appears that the removal took place under a warrant, regularly obtained in terms of the 87th section of the statute 8 & 9 Vict. c. 83.

2. It appears also, however, that, both previous to this removal and at the date of it, the pauper was in a very infirm state of health. Dr. Brodie, of Edinburgh, the medical officer of the Edinburgh Board, states that he had "chronic disease of the chest." He was besides, according to the evidence of Dr. Andrew, a physician of the Royal Infirmary of Edinburgh, labouring under dementia, fast verging to fatuity. He had stated himself that he had been suffering from cough for about 18 months. "The poor old man," says Dr. Kirkwood, of Berwick, in his report, "is in a far advanced stage of consumption." His frailty and weakness were obvious to every one who saw him; it was distinctly admitted by Mr. Greig, the Edinburgh Board's law officer. He had to be helped in and out of the different vehicles in which he was conveyed. The nurse of the Berwick workhouse says, "He looked very stupid and very weak." "He was," says another witness, "tall and thin, and very weak like." "He was," says the nurse of the workhouse, "a tall, thin man, like a skeleton;" and she afterwards adds, on the cross-examination of the Edinburgh Board, "he had a very bad appearance; he was nothing but skin and bone apparently." And Dr. Kirkwood deposes, "On putting my hand beneath the clothes, it seemed almost as if I were touching a skeleton." In his previous report he also stated, "he was so fearfully emaciated that I conscientiously declare that I never saw any one more so, and yet be in life."

3. In this condition he was removed from Edinburgh by the North British Railway, under the charge of a person employed by the Edinburgh Board, and after a detention on the road for several hours, caused by that person's ignorance of the locality, he was taken to Tweedmouth, on the southern side of the Tweed, and left there, in the very inclement weather which, as will be recollected, was then prevalent—a severe frost, and the ground covered with snow, on the public street of that place, where he was a total stranger, with only 1 s. in his pocket, with no provision made for even his temporary shelter, and left in this weak, wretched, and forlorn state to find a refuge for himself.

4. He obtained a bed for that night in Tweedmouth; but on the subsequent night, between seven and eight o'clock, p. m., when the thermometer was 10 or 12 degrees below the freezing point, he was found by the police of Berwick on the street, and brought by them to the workhouse, speechless, and altogether in a state of exhaustion. "I have no hesitation in saying," are the words of Dr. Kirkwood, "that had he been exposed to the cold for half an hour longer, the consequence would have been fatal." This was said while the man was yet in life, but Dr. Kirkwood added, with too much truth, as the result has shown, an expression of his fear "that the only place to which he will ever be fit to be removed will be to his grave." After remaining in the workhouse in a very low condition for more than two months, he died, as has been mentioned, on the 27th of March last.

5. The

5. The coroner of Berwick thought it his duty to make the case the subject of an inquest, and it will be seen from the correspondence that every facility was offered to the Edinburgh Board of tendering any evidence they might be desirous of offering in their own justification. They took advantage of that offer, and adduced several witnesses, and the following verdict was returned by the inquest: "Peter Cato died from natural causes, but we think the circumstances attending his removal to have been most improper and discreditable to the parochial officers of the city parish of Edinburgh, whose duty it was to superintend and effect it." It will be seen from the correspondence, that both previous to the pauper's death, and subsequent to the date of the inquest, the memorialists demanded from the Edinburgh Board relief of all the charges they had been or might be put to in this unhappy case, and an assurance that in future instances due care should be taken that, so far as the memorialists were concerned, a similar result might be avoided. With this they declared they would be quite satisfied, but added, "if this proposal be not acceded to, they will feel it to be their duty, for the protection of their constituents, to submit a memorial on the subject to the Board of Supervision for Relief of the Poor in Scotland." The proposal, as will be seen, was peremptorily declined all along, and the motives of the memorialists in making it, latterly impugned in no very courteous terms, so that they consider it their duty to their constituents now to bring the case under the notice of the Honourable Board of Supervision. The memorialists do not question the *bona fides* of the medical practitioner who gave the certificate required by the statute under which the removal took place, nor would they dispute that the Edinburgh Board, after obtaining that certificate, had a right to make the removal. Neither do they say that to warrant that removal it was requisite that the pauper should be positively in the best state of health, for they allow that unreasonable burdens might thus come to be imposed on Scotch parishes to which valetudinary paupers have become chargeable. Accordingly, though it cannot be disputed that the present instance is one of the very narrowest in which a removal can be justified, the memorialists do not venture, in the face of the medical certificate, to say, that the pauper was not in a condition fit for removal (though their own medical officer, Dr. Kirkwood, seems to have thought otherwise), just as in another case, which will be seen noticed in the correspondence, another pauper was held to be equally fit for removal by the Edinburgh Board, of whom their law officer says, that "he could not put one of his legs to the ground." The memorialists further concede, that by the recent Scotch Poor Law Act (which they cannot help thinking is here penned with an inattentive vagueness), no directions are given to Scotch parishes as to the mode of removal, and the memorialists understand it to be the general practice to put down such paupers in any part of England or Ireland which may be most convenient for the Scotch parish, and to leave them there to shift for themselves.

Having granted all this, however, the memorialists confidently maintain that the course taken by the Edinburgh Board in effecting the removal, in the present case, does not admit of justification. It is out of the question to imagine that the weak condition of a man, who (not to revert farther to what has been already said) has been declared, on competent authority, to have been in the last stage of consumption, must not have been very conspicuously apparent; and the memorialists would ask, if any provision in any statute could warrant the Edinburgh authorities in supposing that it was enough to exonerate them of their duty to leave this poor man abandoned in the way which appears from the evidence. The fact that the statute imposed no special duty on them in the general case was, the memorialists submit, the very reason why they ought to have felt that they should have been most circumspectly attentive, in a special and most clamant instance of this description. To say that it could be meant by any statute to give countenance to such a proceeding as took place here, is a position totally untenable, and opposed to every rule of rational construction. It is most material to have in view, that when the medical certificate was given, the circumstances of the pauper's health, and the mode in which the removal was to be effected, were not duly brought before the medical officer by whom that certificate was granted, for that gentleman has deponed, "At that time I knew nothing of his previous history, nor that he had been in the infirmary. When I gave the certificate, I was aware he was to be removed to England; I knew the distance which he must necessarily travel; I knew the general practice under which such removals are made; I know it is the practice of the removing officer to leave ailing, infirm, aged, and young persons with a responsible person on reaching England. Deceased was an ailing person, and I understood he was to be so delivered. If such had not been the understanding, I might not have given such a certificate as to his state of health. If I had been told it was absolutely necessary to set deceased down in the open air, I should not have granted the certificate. Exposure to the open air in any circumstances would undoubtedly aggravate the disease under which he laboured."

This brings the memorialists to observe that nothing could have been easier, or have been thought more likely, than to instruct the person who had charge of the pauper, instead of leaving him deserted on the street, to take him at once to the parochial workhouse in Berwick. He would thus, no doubt, also have become in the meantime chargeable to the memorialists, but it would have been under very different circumstances; he might have been saved from the long and severe exposure to cold and all its consequences, and he might have, in due time and in a proper way, been transferred to the place of his English legal settlement. He was, on the contrary, left a burden on the memorialists, who were under no obligations for his permanent maintenance, and they are denied all relief by the party by whom this result has been caused. It is a result, too, the memorialists venture to say, the more hard and unreasonable, as it differs so much from the recognised procedure of removing

Appendix, No. 2.

paupers from England to Scotland, for it is there compulsory on the English parish to deliver the pauper, even though he may be able-bodied and in good health, to the session clerk of the Scotch parish to which he is taken, or such other person as has the immediate care and management of the poor,—a wise and salutary provision, beneficial in its operation to all concerned, and which it is much to be regretted was not followed and made imperative in the reciprocal case of removals from Scotland to England.

Instead of seeking, in the first instance, relief against the Edinburgh Parochial Board by an action at law, the memorialists prefer thus to appeal to the Honourable Board of Supervision, trusting that a recommendation from it to the Parochial Board of Edinburgh will effect the object in view and save farther expense or trouble; and they do so in the hope also that the circumstances of the present case may call the attention of the Board of Supervision to the subject generally of the removal of paupers from Scotland to England, and lead, under their authority, to the imposing on Scotch parishes the observance of such regulations in the mode of making the removals as may ensure justice to the parishes of England and to the paupers themselves. The memorialists would request attention in particular to what is said in the letter of their agents of date 22d February last, as showing the eminent interest which the memorialists have that the removal of paupers from Scotland to England should be conducted with due care and propriety.

Before concluding, the memorialists must, in justice to themselves, take notice of the imputations which have been made upon them by Mr. Greig, the law officer of the Edinburgh Board, and made, they must presume, with that Board's sanction. He looks on the inquest, it seems, as a mere manœuvre to try to get into the pockets of the ratepayers of Edinburgh, when the memorialists had otherwise failed to do so. Now they would ask with confidence if this language is justifiable or tolerable to parties acting in the discharge of a public duty, or if there has been anything in their conduct to warrant it. Nay, whether on the contrary they did not concur in inviting the Edinburgh Board to adduce their exculpatory evidence at the inquest. They, too, have the interest of their own ratepayers to protect, and it is their incumbent duty to relieve their ratepayers of what they conscientiously consider to be an unjust burden. They profess their inability to understand what Mr. Greig means by their failure to get into the pockets (as he chooses to express it) of his clients, unless he intends to say that the refusal of the Edinburgh Board to admit their liability is equivalent to a legal discharge of it, a point which the memorialists shall only observe has not yet been determined. On the other hand, they hope it will not be thought out of place for them to remark, that language and imputations of this kind ought not to have been used in behalf of parties whose conduct in this matter has been pronounced by an inquest, in which they voluntarily joined issue, to have been most improper and discreditable.

The memorialists have intimated to Mr. Greig that this memorial and the relative documents have been lodged, and it is of course their wish and desire that, before the Honourable Board of Supervision comes to any determination on the subject, the Edinburgh Parochial Board may have the fullest opportunity of making any counter-statement they shall think proper.

In respect whereof, &c.

Grant & Wallace,
Agents for Memorialists.

18 May 1854.

OBSERVATIONS of the PAROCHIAL BOARD of the City Parish of *Edinburgh* upon the Memorial of the Guardians of *Berwick-upon-Tweed* Poor Law Union.

THE Honourable the Board of Supervision have been pleased to transmit a memorial, addressed to them on behalf of the guardians of the Poor Law Union of Berwick-upon-Tweed, together with some relative documents, to the inspector of the city parish of Edinburgh, along with a letter addressed to him by the secretary, Mr. Walker, intimating that the above papers had been so transmitted, "for the observations of the Parochial Board."

The memorial in question is confessedly a complaint by the guardians of the Poor Law Union of Berwick-upon-Tweed against the parochial authorities of the city parish of Edinburgh, in reference to the removal from the latter parish of an English pauper of the name of Peter Catto, or Cato, and to the mode in which that removal was effected. It is humbly hoped that the observations now to be submitted will afford a sufficient and satisfactory answer to the complaint which has been preferred against the parish of Edinburgh.

And the Parochial Board of the parish of Edinburgh accept the opportunity afforded them of answering the strictures upon their conduct of the case of Catto with the more readiness, from the confidence they entertain in the impartiality of the tribunal before which the present investigation has been commenced, and because they feel assured that it will be found on a full inquiry into the circumstances of the case that they have in no respect failed in their duty, or deviated from the statutory rules by which their conduct must be regulated and judged of.

At the same time, they might fairly be entitled to complain that they have been put to the trouble and expense occasioned by the present inquiry, seeing that the parties by whom it is originated seem to reserve to themselves the right of enforcing their supposed claims before a court of law in the event of their failing, as it is thought they must do, in attaining their ends by the present appeal to this Honourable Board.

The circumstances in which the present proceedings originated occurred in the case of a person of the name of Peter Catto, or Cato, an Englishman, who had confessedly no settlement

ment in any parish in Scotland, but who received parochial aid for a short period from the parish of Edinburgh. That parish, as authorised by the 77th section of the recent Poor Law Act, applied to the justices, and obtained an order for the removal of the pauper to his native country, England. In terms of this order, the pauper was removed by the parish on the 10th of January last to Tweedmouth, Berwick-upon-Tweed, and was received on the evening of the following day into the workhouse of the parish of Berwick-upon-Tweed, in which he died on the 27th of March following. Appendix, No. 2.

While the pauper was still alive, and an inmate of the workhouse at Berwick-upon-Tweed, a correspondence commenced between the Edinburgh agents of that parish and Mr. Greig, assistant inspector (Law department) of the parish of Edinburgh, which was continued until a recent period, being the correspondence referred to in the memorial now under answer. This correspondence originated in a demand made on behalf of the parish of Berwick-upon-Tweed for relief of what that parish had expended, or might expend, "in the support of this pauper, until he can be forwarded to his proper English destination, should his condition come to permit of it, and of the expense of his interment, should his case come to a fatal termination."

This demand, which was refused during the pauper's life, continued to be resisted after his death. And although the remark excited great indignation in the memorialists when originally made by Mr. Greig in the course of the above correspondence, it is nevertheless thought to be a just remark, that the inquest, which was ultimately called on the body of the deceased pauper, was so called with the view of strengthening the memorialists' supposed claim of relief against the parish of Edinburgh.

The evidence laid before the inquest, and the verdict then returned, have been produced along with the memorial; but it is not thought that either the evidence or the verdict afford any countenance to the memorialists' claim of relief. The verdict finds expressly that the pauper died from natural causes, a conclusion fatal to any claim at the instance of the memorialists; and although it also contains some reflections on the parochial authorities of the parish of Edinburgh, it will be found that these are not justified by the evidence adduced at the inquest. This will be apparent to any impartial tribunal; and the parish of Edinburgh can only attribute the aspersions on its officers, contained in the verdict, to the fact that the inquest was conducted at Berwick-upon-Tweed by the clerk to the memorialists (Mr. Willoby), and before a coroner and jury, all of whom were ratepayers in that parish.

It has been already said that the parish of Edinburgh is ready and anxious to vindicate the proceedings of its officers in this matter, all the more so that these have been censured by the verdict of an inquest.

Before proceeding to do so, however, it seems advisable to ascertain, if possible, the practical aim and object of the memorial, and the grounds upon which it is sought to be attained. The former is the same object as that to which the correspondence on the part of the memorialists was directed, viz., to obtain relief of their expenses connected with the case of Catto. And it is explained that, "instead of seeking in the first instance relief against the Edinburgh Parochial Board by an action at law, the memorialists prefer thus to appeal to the Honourable Board of Supervision, trusting that a recommendation from it to the Parochial Board of Edinburgh will effect the object in view, and save further expense or trouble, and they do so in the hope also that the circumstances of the present case may call the attention of the Board of Supervision to the subject generally of the removal of paupers from Scotland to England, and lead, under their authority, to the imposing on Scotch parishes the observance of such regulations in the mode of making the removals as may insure justice to the parishes of England, and to the paupers themselves." Memorial, p. 15.

It may be here remarked in passing, that it is both irregular and unjust for any one to ask any tribunal "to recommend" an opponent to pay a sum of money. It is not the province of this Honourable Board, which possesses a statutory jurisdiction, and ample powers of enforcing it, to recommend that to be done which it cannot enforce by its decree. Nor is it supposed that such a body would imperil its authority by issuing recommendations of which it could not compel the adoption. This remark is made with no design of undervaluing any recommendation which might emanate from the Board of Supervision; but it is thought that, on principle, it would be most dangerous for the Board to make recommendations, where these had not the absolute force of orders; and it is not very reasonable to ask the parish of Edinburgh to appear and answer to a complaint at the memorialists' instance, in the hope of eliciting an intimation of opinion from this Honourable Board, which may induce the parish of Edinburgh to assent to the demands made upon them, while in the event of failure in obtaining this object, the memorialists reserve to themselves the right of having recourse to an action at law to enforce their alleged claim. In short, the object of the memorialists is plain enough. They know that they could not succeed in enforcing their present claim by process of law, and they take their chance of succeeding in it by the present unprecedented appeal, in which they are not exposed to the ordinary risk incurred by unsuccessful litigants of having to pay the expenses of their opponents. This is not a desirable kind of litigation, and it is trusted it will receive no countenance or encouragement from this Honourable Board.

It may be observed here, that conscious of the awkwardness of their leading demand, the memorialists conjoin with it a suggestion that some new regulation should be promulgated by the Board of Supervision, for the purpose of obviating the recurrence of such a case as that of Catto, which it is pretended exposes the border parishes of England, such as that of Berwick-upon-Tweed, to great hardship. This is a mere makeweight to the primary demand "for a recommendation" on the parish of Edinburgh to relieve the memorialists

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rialists of the expense of supporting Catto. It is not pretended that during the whole course of the nine years during which the present Poor Law Act has been in operation the memorialists have suffered any inconvenience from the mode in which English paupers were transferred from Scotland to their own country, except in this single case of Catto. Even in that case the hardship will be found to be merely fanciful. And so far as the interests of the paupers are concerned, these, as well as the convenience of the English parishes, have been sufficiently provided for by the terms of the 77th section of the Poor Law Act, and by the regulations relative thereto, issued by the Board of Supervision for the guidance of the inspectors of poor.

Regulations, 29 Jan. 1846. Caird(6 Ed.),p.216.

It will be remarked that the memorialists do not pretend that the officers of the parish of Edinburgh have in the present case violated any statutory rule or any regulation of this Honourable Board.

Memorial, p. 2.

It is important to ascertain the exact ground of the present complaint. It will be observed that the memorialists do not object to the propriety of Catto's removal. They admit expressly "that the removal took place under a warrant regularly obtained in terms of the 87th section of the statute 8 & 9 Vict. c. 83." The order of removal proceeded, of course, on a medical certificate proceeding on soul and conscience, and certifying that the pauper was capable of being removed. The memorialists are compelled to admit "the *bona fides* of the medical practitioner." They do not venture, they say, to maintain "that the pauper was in a condition fit for removal;" nor do they pretend that "to warrant removal" it was requisite "that the pauper should be positively in the best state of health." It is insinuated, however, that it is questionable whether the pauper should have been removed at all, because their own medical officer, Dr. Kirkwood, thought he should not have been removed, although all the other medical gentlemen examined considered him quite capable of being conveyed to England without injury to his health. It is hinted, however, that the authorities of the parish of Edinburgh are not very scrupulous about whom they remove, as their law officer admitted that a pauper removed about the same time as Catto "could not put one of his legs to the ground." Those entitled to parochial relief in Scotland being only paupers who are not able-bodied, the power of removing English paupers would be little more than nominal, if it were to be held that no man who was lame of one leg was capable of removal. Now the case referred to by the memorialists will be found, on comparing the above passage of the correspondence with the evidence of Mr. Greig, the assistant inspector of Edinburgh, to be nearly the case of a man who required to use crutches, and could only put one of his legs to the ground, but whose general health in no way interfered with his removal.

Once for all, it may be repeated that Catto was removed in virtue of a legal warrant, proceeding upon an unimpeachable medical certificate, and that he was legally taken to Tweedmouth. All this is admitted. It must also be observed, that the "memorialists further conceive that by the recent Scotch Poor Law Act" (which they cannot help thinking is here penned with inattentive vagueness) "no directions are given to Scotch parishes as to the mode of removal, and the memorialists understand it to be the general practice to put down such paupers in any part of England which may be most convenient for the Scotch parish, and to leave them there to shift for themselves."

It is then added, that "having granted all this, the memorialists confidently maintain that the course taken by the Edinburgh Board in effecting the removal in the present case does not admit of justification."

But in what respect was the conduct of the Edinburgh Board objectionable?

It had been ascertained by satisfactory medical evidence that Catto was in a fit state to be removed. He was accordingly removed in virtue of a legal warrant, and no objection seems to be made to the manner in which he was conveyed to Berwick-upon-Tweed. It is, no doubt, true, that some allusion was made in the evidence laid before the inquest as to the length of time occupied in Catto's journey from Edinburgh to Tweedmouth in consequence of his temporary detention at North Berwick, and although this does not seem to be founded on in the memorial, it was made the ground of some misleading questions in the examination of the witnesses at the inquest, and more particularly in the examination of Dr. Andrew, who, in answer to a hypothetical question, states, that he would not be disposed "to sanction such treatment to Catto as that he should be detained on his journey from Edinburgh to Berwick for seven hours." It is needless to speculate on whether Catto's detention for seven hours on his journey would have been injurious to him or not, because, in point of fact, he was not detained for seven hours, nor for any considerable time, on the journey. The whole journey from Edinburgh to Tweedmouth, including the short detention now to be mentioned, occupied much less than seven hours altogether.

It appears from the evidence of James Smith that Sinclair, the removing officer, got out of the railway carriage with Catto at North Berwick, supposing, by a natural enough mistake, that they had reached their ultimate destination. The result was that they had to wait at the station until the next train came up, in which they continued their journey to Berwick-upon-Tweed. Catto, although he told the whole story of his removal to Dr. Kirkwood, never complained of this detention, nor is it easy to see how he could have had any grounds for doing so. The railway stations at North Berwick and elsewhere are provided with waiting-rooms and fires, in which Catto would necessarily find shelter and rest. The detention between the arrival of the train at North Berwick from which he alighted and the departure of the next train by which he proceeded to Berwick-upon-Tweed could only have had the effect of diminishing instead of increasing any fatigue incident to the journey. There is no evidence as to the hour at which Catto left the Edinburgh station, but it is explained by Mrs. Clapperton, the nurse of the Edinburgh poorhouse, that "on the day

day of his removal Catto was up about eight o'clock. He had then to dress himself and take breakfast." He could not therefore reach the Edinburgh station before nine or ten o'clock, and it is proved by the evidence of all the witnesses that he arrived at Tweedmouth at three o'clock on the same day. His journey therefore was neither a very long nor a very tedious one, and could not have occupied, including the above detention, more than five or six hours at the utmost; it was performed besides during the best hours of the day, and was completed by three o'clock in the afternoon. Every consideration was shown by the officials of the Edinburgh Board for Catto's comfort. This was proved by evidence adduced by the memorialists, for the purpose of showing the consciousness of the Edinburgh officials of Catto's frailty. It appears that he was taken in a coach before the justices who signed the warrant for his removal on 9th January, and it also appears that he was conveyed the next morning in a similar way from the poorhouse to the railway station at Edinburgh. In these respects no want of feeling was shown for the poor man's frailty. At the same time, it must be observed that the coaches were not taken on his account, but for other paupers who were unable to walk, he being accommodated with a seat beside them, as the vehicles were required at any rate. Had Catto been going alone on these occasions the officials would not have considered it necessary to take a coach for him, as his health did not preclude him from walking.

Well, then, Catto was taken legally and with all due care to Tweedmouth. What the memorialists complain of is, that Catto was left in the street of Tweedmouth, and was not presented at the door of the Berwick workhouse by the removing officer.

This complaint is certainly a novelty. It is not pretended to have any foundation in the statutory provisions as to the removal of paupers, or in the relative regulations of this Honourable Board. This is admitted.

Nay, more, it is not pretended that what was done was unusual. On the contrary, it is expressly admitted "to be the general practice to put down such paupers (as Catto) in any part of England or Ireland which may be most convenient for the Scotch parish, and to leave them there to shift for themselves." The course then followed in this case by the removing officer was the usual one, and it is not easy to see what objection can be taken to it.

No one who saw Catto on the day of his removal doubted that he was in a fit state for being removed. He was not put down by the officer in the fields remote from assistance, or without the means of support; he was left in the main street of a busy town, with a sufficient police and within a few minutes' walk of the Berwick workhouse; he was not left without food and money sufficient to secure him against want. In the course of his journey, and while in the railway carriage, he received 6 *d.* worth of bread and cheese from the removing officer, who on leaving him at Tweedmouth handed him a shilling. Neither was he unprovided with clothes, for all the witnesses who saw him explained that he was very decently dressed.

It is said he had not a great coat; but surely it was not incumbent upon the Edinburgh Board to furnish a casual vagrant with that article, especially as he had a thick velveteen coat, and was not required to travel by night.

In these circumstances it is difficult to understand on what grounds the verdict of the inquest proceeded, in so far as it found Catto's "removal to have been most improper, and discreditable to the parochial officers of the city parish of Edinburgh, whose duty it was to superintend and effect it."

These are strong terms, but it is submitted that they are wholly unfounded and unjustifiable.

It has been already shown that every care and consideration was shown for Catto, from the time when his removal was resolved upon, until he was left, in conformity with the usual practice, at Tweedmouth. On what grounds can it be maintained that the removing officer, or those under whose orders he acted, are reprehensible for having left him there? It does not appear that Catto had any desire to go to the Berwick workhouse on his arrival at Tweedmouth. He had had his dinner of bread and cheese, and a shilling in his pocket, which was more than sufficient to pay for his supper and night's lodging. If he was unwilling or did not desire to go to the workhouse, how was the removing officer bound to take him there? Suppose he had done so, Catto might and probably would have said, "I don't ask admission or relief; I have enough to pay for my lodgings, and am not disposed to apply to the parish until I require to do so." Suppose he had said this, of what avail would have been his presentment at the workhouse by the removing officer? In short, any obligation to present a pauper on his removal to the parochial authorities of the parish in which he is left is purely imaginary. It is said that some such rule is imposed on English parishes by Act of Parliament; but the non-existence of such a regulation in the Scottish poor law is admitted by the memorialists themselves. It is quite true that in the case of paupers who are removed when imbecile or ill, the Edinburgh parish is in the habit of delivering them to a relieving officer, a course, however, which is not followed when the paupers are able to take care of themselves. Catto undoubtedly belonged to the latter class. It cannot be questioned that he was able to take care of himself.

It must be observed, that Catto never complained that he had not been presented by the removing officer at the workhouse of Berwick; nor could he or any one else make any complaint on that ground. When left by the removing officer, he was perfectly able to go to the workhouse and apply for relief if so disposed. A walk of 10 minutes would have taken him there, and he knew perfectly well how to apply for relief if he wanted. He had done so before at the Edinburgh poorhouse on the 18th of October preceding; and at that date he was apparently in the same state precisely as when he arrived at Berwick. Nor could

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could he be supposed ignorant of the town, as he had been an itinerant juggler, and was familiar with every town in England as well as in Scotland. But that he had no intention of going to the workhouse, is manifest from his conduct, which shows, moreover, that no necessity existed for presenting him there.

He was able to go to a lodging-house, where he obtained suitable accommodation for the night; and there is nothing to show that when he left the lodging-house, at 11 o'clock the next day, he was in any respect the worse for his removal, or in a worse state of health than when he left Edinburgh the preceding morning. This is proved by the evidence of Mrs. Billiaur, in whose house he lodged.

It is insinuated that Catto's mind was unsound; an insinuation resting solely upon the opinion of Dr. Andrew, and not countenanced by the evidence of any witness who saw him before his reception in the Berwick workhouse. With regard to the evidence of Dr. Andrew, it may be observed that his knowledge of Catto was derived during his attendance upon him while he was a patient in the infirmary, between the 2d and 16th December 1853. Dr. Andrew seems to have formed an opinion, that whilst in the infirmary, Catto was "labouring under dementia to a certain extent, fast verging to fatuity." The bodily affliction for which he was admitted into that institution was a slight attack of bronchitis. Dr. Andrew was obviously mistaken about the state of the man's mind. Catto was a man of taciturn and uncivil disposition and repulsive manners. His habits were so filthy that the doctor admits he did not examine him minutely, and thus having little intercourse with him, it is not surprising that he should have been mistaken on the subject. Besides, whatever may have been his condition of mind between the 2d and 16th December, Dr. Andrew never saw him between the latter date and the 10th of January, when he was removed to Berwick. He left the infirmary for the Edinburgh poorhouse on 16th December 1853, and the evidence of those who came in contact with him while he was an inmate of the house shows that he was perfectly capable of taking care of himself, and free from insanity, although he was neither very strong in body or mind. Accordingly, Christie, the superintendent of that department of the Edinburgh poorhouse, explains that he quite well knew what he was saying or doing, and answered correctly the questions that were put to him. Mrs. Clapperton, the nurse of the poorhouse, also swears to his sanity and to his knowing quite well what he was about; and Dr. Brodie, by whom the certificate of removal was granted, gives similar evidence, swearing to his sanity, and explaining that he answered the questions put to him quite satisfactorily, and so as to enable the doctor without difficulty to judge of the state of his health. Similar evidence is given by Brown, one of the sub-inspectors of the parish of Edinburgh. And even after he had become acutely ill, it would appear from the evidence of Dr. Kirkwood and the other officials of the parish of Berwick, that although his mind was weakened by sickness, it was not unsound.

The most satisfactory proof, however, that Catto was not of unsound mind is afforded by the correspondence. The memorialists and their agents never, throughout the whole course of it, allude to anything of the kind; on the contrary, the views which are put forth by them in their letters proceed chiefly upon information derived from Catto himself.

There is no reason therefore for pretending that the man was incapable of taking care of himself when he was left in Tweedmouth, on the 10th of January.

But it is said he was so weak that he ought not to have been left alone, but should have been taken to the workhouse. Any evidence which might at first sight appear to lead to this conclusion can be of no consequence, as it is contradicted by the real evidence in the case, which shows that Catto was able to provide himself with a night's lodging, and that he was just as well when he left that lodging on the forenoon of the 11th as when he was removed from Edinburgh on the 10th of January. The whole plausibility of the memorialists' case arises from their confounding the state of the man after he was taken, in a fit of illness, into the workhouse at Berwick, with the state in which he was when he originally reached that town. These matters must be carefully separated.

One of the topics on which the memorialists chiefly descant is the emaciation of Catto. This seems to have been characteristic of the man. Mr. Greig explains that he had known him by sight for many years, and that he was always very thin and sallow. The nature of his disease, discovered in the autopsy to be "general atrophy," was calculated to produce extreme emaciation. But that peculiarity does not necessarily involve a complete absence of muscular strength. Accordingly Mr. Brown explains that Catto was as much emaciated on the 18th of October, when he first applied for relief from Edinburgh, but declined to avail himself of the poorhouse, as in December, when he was admitted into it; and Dr. Kirkwood states that he was as lean when received into the Berwick workhouse, on 11th January, as at the date of his death, on 27th March. In short, this was a symptom of a latent disease, ascertained by the *post mortem* examination to be of long standing, and really not of itself sufficient to call for any particular caution on the part of the Edinburgh officials.

It is said, however, that Catto was too weak to be left alone in the streets of Tweedmouth. The evidence of Atkinson, the master of the workhouse, who happened to see Catto on his arrival at the Berwick station, and that of Henderson, the conductor of the omnibus, which took him from the station to Tweedmouth, sets forth that he was assisted in walking along the platform by the removing officer, who also helped him out and into the omnibus. One may be excused from doubting the perfect impartiality of these witnesses; but after all,

Information, p. 13.

Henderson, the latter of them, admits that when Catto was left by the removing officer, he was quite able to walk down the street, although where he was going the witness did not know.

But really what is the value of all this evidence? Mrs. Billiaur swears expressly that

Information, p. 16.

Catto came to her house on the evening of the day upon which he arrived at Berwick-upon-Tweed.

upon-Tweed. He was then perfectly able to take care of himself; and although he must have been going about the town for some hours, he had no difficulty in walking up-stairs to his bed-room without either asking for or requiring assistance. He lodged there during the night, and left next forenoon about 11 o'clock. That evening he had the benefit of a fire in his lodgings; and apparently he had not been without food in the interval between three o'clock, when he got a shilling from the removing officer, and breakfast time next morning, as he paid for his lodgings in copper, and must, therefore, have bought something before entering them, and so changed the shilling which had been given to him. Mrs. Billiaur's evidence as to his state of health is important. It appears from her evidence that before he got up in the morning "he wanted a pennyworth of bread into the bed;" and she explains that she "would not have refused him the bread into bed, if I had thought him too unwell to get up."

Mrs. Billiaur is the only witness who was acquainted with the condition of Catto between the period when he arrived at Tweedmouth and the time when he was taken ill the following evening and removed to the workhouse. When her evidence is read in connexion with that of the witnesses belonging to Edinburgh, it is perfectly manifest that whilst Catto was in her house, and until after he left it at 11 o'clock on the 11th of January, his health was in no respect worse than it had been before his removal. If this be so, what possible ground is there for imputing any blame to the parish of Edinburgh? Supposing the removal officer had taken the pauper to Mrs. Billiaur's house, and had left him there with money to pay for his night's lodgings and his breakfast in the morning, could he have been found fault with, because the pauper turned ill the following night, and required to be removed to the workhouse? Clearly not; but if so, he is equally exempt from blame in the present case, because Catto, without assistance, secured lodgings for himself, and sustained no injury apparently by being left on the street on the 10th of January.

The question with the parish of Edinburgh refers to what took place on the removal, not to what happened the day afterwards. Can it be said that when Catto was well and safe by the fireside of Mrs. Billiaur on the night of the 10th of January, the removing officer was not well and safely discharged of the pauper when he set him down in the main street of Tweedmouth, with the means requisite to feed and lodge him till the next day? It is thought these questions must be answered in the affirmative.

No doubt the circumstances which occurred on the following night were very unfortunate, and much to be deplored. Catto left his lodgings at 11 o'clock on the 11th of January, and nothing more is known of his motions until he was taken ill between seven and eight o'clock on the following evening, in consequence, apparently, of a sudden chill, or other seizure of illness. This attack was the cause of his immediate conveyance to the workhouse of Berwick, where he appears to have been treated with the same attention and care as he met with in the poorhouse of Edinburgh.

Now it probably would have been better for the poor man, and possibly more convenient for the parish of Berwick, if he had gone straight from his lodgings, which he left at 11 o'clock on the forenoon, to the workhouse of Berwick, instead of loitering about the streets and catching cold. He might have done so if he had been disposed to ask for relief and go into the workhouse. But it is submitted that that was a matter which he was entitled to decide for himself; and surely it can never be held that the parish of Edinburgh and their officials are to be blamed because he adopted a course which has proved so unfortunate.

A great part of the evidence adduced by the memorialists before the inquest seems to have been directed to showing that the deceased ought not to have been removed at all. But the memorialists now confess that that is a position that cannot be maintained. But as the conduct of not only the removing officer, but of those under whose orders he acted, has been called in question, the Edinburgh Board is very desirous to satisfy the Honourable Board that Catto's removal was not effected with any harshness, but that he received all along every reasonable attention. His treatment in the poorhouse is described by Christie, the superintendent, and Clapperton, the nurse. Every day the doctor (Dr. Smith) visited the Edinburgh poorhouse of which he was an inmate. The doctor administered to him the only medicine which he appeared to require during his stay in the poorhouse. He took his food most heartily; and his health materially improved between the date of his admission and that of his removal from the poorhouse. He did not apparently suffer from any active disease, nor was any extra diet prescribed for him by the medical men who attend the poorhouse, although they have it in their power to do so wherever the frailty of the patient seems to require it.

Information, p. 48.

Ib. *See* Evidence of Christie, Clapperton, and Greig; also Dr. Andrew, pp. 47, 48. 53; 22 and 32. *Vide* Information, Clapperton and Christie, pp. 49, 50. 51. 53.

Although he had been in the infirmary, the ailments which he then laboured under were supposed by his medical attendants to be of a trivial character. And Dr. Andrew expressly swears that at the period when he left the infirmary for the poorhouse he might have been removed from Edinburgh to Berwick without injury to his health; in fact, the reason why he was kept so long in the poorhouse of Edinburgh was, not that he was too unwell to be removed at an earlier period, but because it was thought better that he should have for some time longer than was really necessary the advantage of the good diet which he received there before he was removed from Scotland.

Information, p. 22.

It is obvious, therefore, that Catto was treated with humanity and care whilst an inmate of the Edinburgh poorhouse, and it has been already shown that the whole arrangements for his removal were conducted in a similar manner.

In these circumstances, it is difficult to conceive how the reflections on the conduct of

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the officials of the Edinburgh Board, contained in the verdict of the inquest, can be attributed to any other cause except local prejudice.

In point of fact, the memorialists do not venture to make any other complaint, than that the pauper was not presented, on his arrival at Berwick, at the door of the workhouse of that parish; and as they have explained that that course would have been obligatory in the case of the removal of a Scotch pauper from England to Scotland, under an express statutory provision of the English poor law, this circumstance may have misled the coroner and his jury into adopting a verdict by which the Edinburgh Board feel themselves so justly aggrieved; because it need not be repeated, that by the law of Scotland no such obligation is imposed on a Scotch parish in effecting the removal of an English pauper.

It is especially deserving of notice, that the proceedings of the inquest not only afford no evidence that the pauper suffered from his removal to Berwick, but that the verdict expressly negatives any such idea. Its only substantive finding, in fact, is that Catto "died from natural causes." It is not found that his death was accelerated by his removal, or by any circumstance attending it. No medical man ventures even to express an opinion to that effect. The fact disclosed by the *post-mortem* examination, is merely that "death arose from general atrophy or wasting of the body, caused by an emphysematous state of the lungs. This state of the lungs was of long standing, the left lung being only about half the size of the right, and adherent throughout, the holes of it also being strongly adherent." Catto's death therefore was the result of a chronic and deceitful disease, under which he had laboured for a very long time, perhaps for many years. It was just one of those diseases which, although making slow but sure progress, eludes detection, and leaves the patient able enough to move about and take care of himself. It was so latent, that Dr. Andrew does not appear to have suspected its existence. Dr. Smith, the house surgeon of the Edinburgh poorhouse, perceived no active disease, and Dr. Brodie, who signed the certificate, although of opinion that Catto was suffering from chronic disease, was satisfied that he was not labouring under "active disease," and that he stood in no need of immediate medical treatment.

Information, p. 2. Drs. Edgar and Wilson.

Information, p. 28, &c.
Ib. p. 27.
Ib. p. 43, *et seq.*

In such a case, it is impossible to say, either that the removal itself was objectionable, seeing that all the medical men swear it could be effected without injury, or that the relieving officer was blameable, because he did not take Catto, whether he would or not, to the workhouse door. Neither he nor his superiors were bound to do anything of the kind. It was enough that they took him to a place where he was set down uninjured, and perfectly able either to proceed at once to the workhouse, which was but a walk of a few minutes, if he chose to follow that course, or to find a lodging for himself, which he had no difficulty in doing, and for which he had sufficient means to pay.

The cause of that attack of illness which occasioned Catto's removal to the workhouse is nowhere explained, and in no view is the parish of Edinburgh responsible for it. Up till 11 o'clock of the day after his removal he was in all respects in his usual health. Whether he had been indoors or out of doors, and where he had been and what he had been about, between 11 o'clock of the day in question when he left his lodgings and half-past seven in the evening when he was removed to the workhouse, all this is not disclosed in the evidence, and nothing is known to the Edinburgh Board on the subject; but whether the attack of illness was attributable to cold, or was the mere assumption by the chronic disease of a more acute form, is surely a matter in regard to which no responsibility attaches to the parish of Edinburgh.

There is no reason for saying that anything which occurred after Catto's arrival in Berwick hastened his death. The memorialists do not venture to say so. It is evident from the facts ascertained in the *post-mortem* examination (although these were not previously known) that Catto must have been a dying man for a long period prior to the occurrences in question, and the affected cause of complaint on the part of the memorialists therefore is, not that Catto's death was accelerated by his removal, and not that he was harshly or carelessly treated by the parish of Edinburgh, but that, as he was not presented at the Berwick workhouse on his arrival at Tweedmouth and was not brought there until he became acutely ill, the parish of Berwick was put to a great disadvantage, because the man was never able to give them such information as might have enabled them to ascertain the parish of his ultimate settlement, so as either to remove him there themselves or otherwise obtain relief from such parish of the expense of his maintenance.

This, however, is a mere afterthought, which does not seem to have occurred to the memorialists till after Catto was dead.

In truth, Catto was perfectly able in the intervals of his last illness to give all the information on the above subject of which he was possessed; and if he had known the parish of his birth, or any other parish in which he had a settlement, the fact would doubtless have been ascertained.

It is probable enough, however, that in this, as in many such cases, the pauper never himself knew the particular parish in which he was born, and it is not probable that he had any other settlement. His ability to communicate such information as he possessed is clearly proved by the evidence of Dr. Kirkwood, for that gentleman swears that Catto made to him a perfectly rational and most detailed statement of the whole circumstances attending his removal; and the correspondence of the memorialists themselves proves that Catto was able to answer the questions put to him in a manner which they at the time considered sufficiently correct to warrant them in acting upon the information thus obtained.

Information, p. 6.

Correspondence, p. 11.

But if the parish of Edinburgh was well and blamelessly rid of the pauper on the evening of the 10th of January, they cannot be in any way responsible for his inability to afford information

information after the evening of the 11th of January, when he was taken seriously unwell and received into the Berwick workhouse.

The only other ground of complaint alluded to by the memorialists is, that in the course of the correspondence referred to, Mr. Greig, by whom the letters on behalf of the parish of Edinburgh were written, made use of an expression which the memorialists consider "intolerable," and requiring reprehension from this Honourable Board. The expression in question occurs in the last letter of Mr. Greig, who says that he regarded the inquest as "a mere manœuvre, resorted to in support of the present claim of relief."

Perhaps expressions of this kind might with advantage be avoided in all correspondence, especially in regard to business matters; but it surely is scarcely a ground for a complaint like the present. And when the correspondence is looked at, and it is observed with what pertinacity and vehemence the memorialists therein persist in their present most groundless claim of relief after it had been again and again rejected, it is not surprising that Mr. Greig should have been induced to employ language of some warmth. Besides, when it is considered that the inquest was called at the suggestion of, and upon information derived from the memorialists, and was held upon the body of a person who had died of chronic consumption in the Berwick workhouse, after a residence of two months and a half there, it does not really seem that the expression employed by Mr. Greig was at all very unnatural, seeing that even in its result the inquest by its verdict fixed that Catto died from natural causes, for which of course the parish of Edinburgh is not responsible, while it, at the same time, contained a most severe, although it is thought wholly undeserved aspersion upon the officials of the Edinburgh Board.

On the whole, it is submitted, with respectful deference, that the complaint of the memorialists is uncalled for and groundless. The pecuniary claims which is thereby sought to be enforced, is not only too trifling in amount (not exceeding 3 *l.* or 4 *l.* at the utmost), but is not in its own nature suited for reference to this Honourable Board. Finally, it does not appear to the Parochial Board of Edinburgh that the prevailing Scotch practice relative to the removal of English paupers is attended with any real hardship or disadvantage, either to the paupers themselves or the parochial authorities in England. But if it should unexpectedly happen that this Honourable Board is induced by any circumstance which has occurred in this case to make any new or additional regulations with reference to the removal of English paupers, such as that indicated by the memorialists, the parish of Edinburgh will of course cheerfully adapt its future procedure to such regulations.

In respect whereof, &c.

Alexander Greig,
Assistant Inspector (Law Department)
Poor Board of Edinburgh.

Messrs. *Grant & Wallace*, W. S., 30, Drummond place.

Sirs, Board of Supervision, Edinburgh, 14 August 1854.

With reference to the memorial of the guardians of the Berwick-on-Tweed Poor-law Union, respecting the removal of the deceased Peter Cato from Edinburgh to Berwick, I am directed to make the following communication. This case seems to raise two different questions: 1st. Whether the removal was illegal, or effected in a manner inconsistent with the rules of the Board of Supervision; 2d. Whether, assuming that the removal was neither illegal nor irregular, there was neglect or mismanagement on the part of the parochial officers of Edinburgh or the removing officer in the manner of executing the warrant. The question of legality can be decided only by a competent legal tribunal, but as the warrant and certificate appear to be in due form, and as it is not disputed that Cato was a native of England, had become chargeable in Edinburgh, and had not acquired a settlement in Scotland, there does not appear to be any obvious ground upon which the legality of his removal can be questioned. Neither does it appear that any of the rules of the Board, applicable to the case, have been violated. The propriety of the manner in which the removal was conducted is not so clear. Dr. Brodie, in his evidence at the coroner's inquest, stated (p. 44, 45), that if he had known that Cato, contrary to the usual practice in such cases, was not to be left with some responsible person on reaching England, he might not have given the requisite medical certificate, and that if he had known that the pauper was to be set down in the open air, he would not have given the certificate. Cato was not only set down in the open air, without having been left with any responsible party, but for some unexplained reason he was carried beyond Berwick, and set down in the open air in Tweedmouth, on the opposite side of the river. There thus appears to have been a departure from the ordinary practice in such cases, while it was on the faith of its observance that the medical certificate was given. There is no evidence to show that Cato was in a worse state of health on the morning of the 11th of January than on the afternoon of the 10th, when he was set down in the street in Tweedmouth; and it appears to be ascertained that he was not only provided with the means of paying for his food and lodging for that night, but that he actually obtained and paid for a lodging, which he left on the forenoon of the 11th of his own accord. There does not, therefore, appear to be sufficient evidence to show that his health was injured by his removal, but it is possible, or even perhaps probable, that if the usual practice in cases of "ailing persons," children, and insane or fatuous persons had been observed, and Cato had been left with a responsible person in Berwick, the

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exposure of the 11th January, which appears to have induced the acute attack from which he was suffering when found on the night of the 11th, might have been avoided. This probability is much strengthened by the evidence of Dr. Andrew, who attended him in the infirmary a short time previous to his removal, and who (p. 29) declared him to be of weak intellect, verging to fatuity. It is peculiarly unfortunate that the ordinary and laudable practice of the Parochial Board should have been departed from in a case in which there was both bodily ailment and mental weakness. It appears then that although in the removal of Cato there may have been no violation of the statute or of the rules of the Board, there was a failure to act up to the general instructions of the Parochial Board, by which paupers who are ailing or of weak intellect are to be left with a responsible party in the place to which they are removed out of Scotland. The right of the Berwick Union to recover the amount expended on the relief of Cato will mainly depend upon the legality or illegality of his removal, and can be decided only in a court of law. But the pecuniary claim is no doubt of secondary importance in the estimation of the guardians. Their primary object it is presumed must be to prevent the recurrence of similar cases, and with that view to direct the attention of the Board of Supervision to the case of Cato. That primary and desirable object will be greatly promoted if the Parochial Board of Edinburgh enforce a careful observance of the judicious and benevolent practice which they have established in regard to such paupers removed out of Scotland as require special care. It is also desirable that the Parochial Board should consider whether they ought not to require the medical officer granting a certificate with the view to the removal of a pauper to specify in writing the precautions which he may consider necessary, with reference to the condition of the pauper, the season of the year, and other circumstances, to prevent the removal from being injurious to the health of the person removed. It is much to be regretted that an officer in Mr. Greig's position should permit himself to be so far carried away by excitement as to impute improper motives to public officers in the performance of their official duties. Whatever may have been his feelings when he first became aware of the verdict of the coroner's inquest, he must now be sensible that he was betrayed into using expressions which he could not be justified in employing, and which he ought therefore to recal.

I am, &c.
(for W. S. Walker, Sec.)
Ord Graham Campbell.

FURTHER COMMUNICATION from *Mr. E. Willoby*, Clerk to the Guardians of *Berwick-upon-Tweed.*

Sir, Berwick-upon-Tweed, May 1855.

No. of Question, 1011 to 1014.

To my answers to the questions from Nos. 1011 to 1014, I am desirous of making some qualifications, because as they at present stand, an opinion is thereby expressed upon the construction of the section of an Act, which appears to me to be somewhat obscure, and which, being a Scotch Act, should more properly be interpreted by a Scotch than an English lawyer. I refer to the 76th section of 8 & 9 Vict., c. 83, and on a careful perusal of it, I am inclined to think that it requires something more than a five years' residence in one parish in Scotland, before an Englishman can become entitled to such a settlement in it as would prevent his being removed to England, under the circumstances put in the questions 1011 and 1012; for it is enacted that no person who shall have acquired a settlement by residence "shall be held to have retained such settlement" if during "any subsequent period of five years" he shall not have resided in such parish "for at least one year."

The interpretation which I am disposed to put upon that part of the section, and which bears more directly upon my answers to the questions 1011, 1012 and 1013, is that an Englishman having acquired a settlement in a parish in Scotland, by a five years' residence, leaves it, and on going to reside in another parish in Scotland, becomes chargeable, before he has acquired another settlement by a second five years' residence, is not entitled to the settlement so gained, until he has returned to the parish and lived another year, or, in the words of the Act, "he shall not be held to have retained such settlement."

I am not aware of any express decision upon this point; but there is a case, which was decided by the Court of Session, Edinburgh, in February 1851, which bears indirectly upon it. I refer to a case between the city parish of Edinburgh, the parish of St. Cuthbert's (Edinburgh), and the parish of Glencairn, in Dumfriesshire; "Haye Morrine & Thompson." Glencairn was the pauper's birth place; he subsequently acquired a settlement by five years industrial residence in St. Cuthbert's; he left it and lived four years and four months in the city parish of Edinburgh, to which he becomes chargeable. It is evident that the latter parish could not be liable, and the question, therefore, arose between St. Cuthbert's and Glencairn. The argument of Glencairn was, that the five years had not elapsed, and that the industrial settlement in St. Cuthbert's, therefore, had not been lost; but

but the Court held that as there were only eight months of the second period of five years to run, the one year's residence in St. Cuthbert's, required by the statute, to preserve its liability, was impossible, and, therefore, they subjected Glencairn.

The conclusion which I submit may be drawn from that case is, that the parish where the pauper has acquired a settlement, by a residence of five years, is not liable for his support till he has resided in it another year; and if this be so, then it would follow that if an Englishman becomes chargeable to a parish in Scotland, where he has not acquired a settlement, he is not removable to the parish in Scotland where he may have acquired a settlement, but is liable to be removed to England, and, so far as the liability to be removed goes, he is on the same footing as a Scotchman in England, who, by leaving a parish where he has resided five years, and had become irremovable, is liable to be removed to Scotland.

I would rather say in answer to this question, that so far as relief to ablebodied paupers go, I am quite certain that an English parish could not recover from a Scotch one; because no relief which the pauper could not himself enforce against his own parish could be recovered by any other parish giving that relief, and no ablebodied pauper could enforce relief. 1027.

I find that in one case, the parish of Berwick did recover from a Scotch parish the cost of relief of a pauper who had been improperly removed. It was a removal made from South Leith, and the authorities of both parishes agreed to refer the question to the opinion of Mr. A. Murray Dunlop, a gentleman of high standing at the Scotch bar, and who decided in favour of this parish. The parish of South Leith thereupon took back the pauper, and repaid all the costs of relief, &c. &c. 1032.

The parish of Berwick has also succeeded lately in getting a Scotch parish to admit the settlement of a lunatic pauper.

I find I have understated the number of Irish resident in Berwick, and I am informed that the number will be from 500 to 600. 1063.

The number of removals actually made is sent herewith, but I may observe that this affords no criterion at all of the number of Irish who might have been removed, as the parish authorities do not apply for removal orders when the relief is merely casual, and cases of that kind are very numerous. There are also cases frequently occurring, where the parish authorities have determined on applying to the magistrates for removal orders, and the paupers got notice to attend to be examined, when they either kept out of the way, or refused altogether to attend. In one week of last year there were seven Irish families ordered to be removed, but at the first meeting of the justices not one could be got to attend, and at the next meeting two were brought up and examined; the others either refused to come or concealed themselves, and were not removed. 1078.

A return is sent herewith of the numbers and costs of the irremovable poor of the union for the year ended 25th March 1850 (being the first complete year after the Irremovable Act came into operation), and for the years ended 25th March 1854, and 25th March 1855. 1083.

The number of persons on the Poor Roll of the parish of Berwick at present is, 1080.

Ablebodied	74
Not ablebodied	211
Children	187
	472

(signed) *E. Willoby.*

To the Chairman of the Committee
on Poor Removal.

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BERWICK-UPON-TWEED UNION.

TABLE containing Number of Removals to Parishes in *England*, *Scotland*, and *Ireland*, during the following Years, viz., from August 1847 to August 1854.

	To England.	To Scotland.	To Ireland.
From 26th August 1846 to 26th August 1847 - -	4	nil.	nil.
From 26th August 1847 to 26th August 1848 - -	4	nil.	2
From 26th August 1848 to 26th August 1849 - -	8	nil.	nil.
From 26th August 1849 to 26th August 1850 - -	4	2	nil.
From 26th August 1850 to 26th August 1851 - -	4	nil.	3
From 26th August 1851 to 26th August 1852 - -	2	1	nil.
From 26th August 1852 to 26th August 1853 - -	4	5	3
From 26th August 1853 to 26th August 1854 - -	7	5	4

BERWICK-UPON-TWEED UNION.

RETURNS of Numbers of Irremovable Poor, for Years ended 25 March 1850 25 March 1854, and 25 March 1855, with Cost of Relief.

OUT-DOOR.

Number of Persons, for Year ended 25 March 1850, who were Irremovable and Natives of			Number of Persons, for Year ended 25 March 1854, who were Irremovable and Natives of			Number of Persons, for Year ended 25 March 1855, who were Irremovable and Natives of		
England.	Scotland.	Ireland.	England.	Scotland.	Ireland.	England.	Scotland.	Ireland.
230	32	8	353	78	33	371	81	30
Amount of Relief.			**Amount of Relief.**			**Amount of Relief.**		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
640 13 9	48 12 2	6 6 –	892 8 3	131 12 4	31 3 3	984 13 3	175 9 8	50 10 10

IN-DOOR.

Number of Persons, for Year ended 25 March 1850, who were Irremovable and Natives of			Number of Persons, for Year ended 25 March 1854, who were Irremovable and Natives of			Number of Persons, for Year ended 25 March 1855, who were Irremovable and Natives of		
England.	Scotland.	Ireland.	England.	Scotland.	Ireland.	England.	Scotland.	Ireland.
31	20	29	32	20	16	47	13	23
Amount of Relief.			**Amount of Relief.**			**Amount of Relief.**		
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
34 12 3	22 6 6	32 7 3	50 4 9¾	31 8 –	25 2 5	114 8 11	31 13 2	56 – 2¾

1 May 1855.

Appendix, No. 3.

PAPERS delivered in by *J. Darlington*, Esq., 19 March 1855.

TABLE of the CENSUS RETURNS affecting the Borough of *Bradford* during Decennial Periods of the present Century.

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TOWNSHIPS.	1801.	1811.	1821.	1831.	1841.	1851.
Bradford - - -	6,393	7,767	13,064	23,223	34,560	52,501
Bowling - - -	2,055	2,226	3,579	5,958	8,918	13,542
Horton - - -	3,459	4,423	7,192	10,782	17,618	28,142
Manningham - -	1,357	1,596	2,474	3,564	5,622	9,601
TOTAL - - -	13,264	16,012	26,309	43,527	66,718	103,786

BRADFORD UNION.

IRISH POOR.

YEAR ENDING	NUMBER PASSED.			
	Men.	Women.	Children.	TOTAL.
March 1848 - - - - -	43	58	77	178
„ 1849 - - - - -	57	44	23	124
„ 1850 - - - - -	20	17	17	54
„ 1851 - - - - -	- - Papers misplaced.			—
„ 1852 - - - - -	28	44	55	127
„ 1853 - - - - -	12	20	12	44
„ 1854 - - - - -	42	55	26	123
From 1st April 1854 to 28th February 1855, 11 months - - - -	112	191	127	430

Note.—The cost of removing 196 persons, from June to November 1854, was 174 *l.* 0 *s.* 5½ *d.*, being an average of 17 *s.* 9 *d.* per head.

Jowett, the pass officer of the union, says, that he believes that about one-third only of those ordered by the guardians to be passed leave Bradford.

Appendix, No. 3.

To the Guardians of the Bradford Union.

Gentlemen,—As the removal of poor persons born in Ireland and chargeable to this union is a subject which has latterly engrossed much of the attention of the Board, and as doubts exist as to the proper construction of certain Acts of Parliament, I have prepared the following minutes with a view to enable me, if necessary, to draw a case for the opinion of some eminent counsel. In the meantime, as the subject will, in all probability, be again discussed at the Board, it may be useful and acceptable to you to be made better acquainted with the statutes referred to, than you could be by casual allusion to them; I will, therefore, transmit to each guardian the minutes which I have prepared.

In the year 1834, the Act 4 & 5 Will. 4, c. 76, was passed, and is intituled "An Act for the Amendment and better Administration of the laws relating to the Poor in England and Wales."

It recites that it is expedient to alter and amend the laws relating to the relief of *poor persons* in England and Wales.

Sections 79 to 83 give directions as to the manner of removing poor persons.

When this Act passed *Irish* poor chargeable in England were removed under regulations prescribed by the 3 & 4 Will. 4, c. 40.

In November 1835, the case Rex. *v.* Mile End Town was heard in the Court of King's Bench, when Mr. Justice Patteson made the following remarks on the two statutes: "It is now to be considered how far the Irish Removal Act is affected by the General Poor Law Act, and it is at once observable that *the object of the two statutes is perfectly distinct.* The former is confined merely to making provisions for the removal of persons born in Ireland who have gained no settlement in this country. No question affecting the removal or settlement of persons born in England is touched or alluded to; whereas the objects and provisions of the latter statute are PURELY AND EXCLUSIVELY ENGLISH. It is observable also that the title of the Act itself, purports to concern England and Wales, and them only; nor do we perceive any regulation which has the slightest relation to Ireland, Scotland, &c., the places enumerated in the first mentioned statute. *We think, therefore, that the sound construction and interpretation of the two statutes* is to hold them to be in effect and operation, as they are in object, *wholly separate and distinct.*"

It is important to remember this judgment, for although other Acts have subsequently passed, which, for want of perspicuity, have led to considerable doubts as to their proper application; yet Mr. Justice Patteson's judgment would seem to be a means of enabling us the better to interpret the several statutes which are now under consideration.

The 3 & 4 Will. 4, c. 40, was but a temporary Act, and it was extended for short periods by three other Acts, viz. 7 Will. 4 and 1 Vict. c. 10, 3 & 4 Vict. c. 27, and 7 & 8 Vict. c. 42; and it is observable that none of these three Acts were incorporated with the General Poor Law Act. The last of these statutes remained in force till 1845, when the 8 & 9 Vict. c. 117, passed, intituled "An Act to Amend the Laws relating to the Removal of Poor Persons born in Ireland and chargeable in England."

The 6th section enables Boards of Guardians in Ireland to appeal if aggrieved by any removal, and they are to send a statement, with grounds of appeal, *to the Poor Law Board in London.*

The 7th section directs that the General Poor Law Act, *and all Acts to amend and extend the same,* and the present Act *shall be construed as one Act.*

As the objects of this statute were precisely the same as those of the Act to which Mr. Justice Patteson referred, and confined to making provisions for the removal of persons born in Ireland, it seems somewhat strange that it should have been directed to be construed as one with an Act having objects and provisions "purely and exclusively English."

There appeared, however, some reasons why this Act should be so incorporated.

1st. A right of appeal is for the first time given to Boards of Guardians in Ireland, and they are to send the grounds of appeal to the Poor Law Board, who receive their powers from the General Poor Law Act.

2d. The charges for removing Irish poor are paid by Boards of Guardians, and the accounts are subject to the supervision of the auditor, an officer receiving authority from the General Poor Law Act, or from some Act passed to extend or amend it.

3d. By such incorporation the interpretation clause at the end of the General Poor Law Act is made applicable to the Irish Removal Act, and the extended meaning of various words, such as "Guardian," "Justice," "Oath," "Parish," &c., &c., is thus arrived at.

But it would be otherwise absurd to read the two Acts as one, inasmuch as we should then have to read one Act prescribing a mode of removing *Irish* persons with another which gives a very different mode of removing *English* persons, and which latter Act is, moreover, "purely and exclusively English."

In 1846, the 9th & 10th Vict. c. 66, was passed, intituled, "An Act to amend the Laws relating to the Removal of the Poor."

Section

Section 1 enacts that from 26 August 1846, *no person* shall be removed, nor shall any warrant be granted for the removal of *any person* from any parish in which such person shall have resided for five years next before the application for the warrant.

Section 8 enacts that the Act passed in the 5th year of King Will. 4, for the amendment and better administration of the laws relating *to the poor in England and Wales, and all Acts to amend and extend the same,* and the present Act shall be construed as one Act, and all penalties and forfeitures imposed under this Act shall be recoverable as penalties and forfeitures under *the said Act* for the amendment of the laws *relating to the poor.*

Section 9 enacts that this Act shall extend only to *England.*

It is observable that there is no allusion whatever to Irish poor by name in this statute, but that English poor only must be the subject of the Act, is evident from the wording of the 8th section, which directs the Act to be read as one with an Act relating to "*the poor,*" meaning the English poor, who are the only objects of the statute referred to, viz., 4 & 5 Will. 4, c. 76.

It appears that after the passing of this Act, the opinions of the then Attorney and Solicitor-General were taken as to its operation, and the Poor Law Board, in their letter of 12th March last, say that they (the law officers of the Crown) advised that the statute 9th & 10th Vict. c. 66 (the Five Years' Residence Act), applied to the removal as well of persons born in Ireland as to that of persons having settlements in England, so as to override *pro tanto* the provisions of the 8 & 9 Vict. c. 117, (the Irish Removal Act).

The "Justice of the Peace" (vol. 10, page 735), on reviewing a work of Mr. Archbold's, makes the following remarks on the opinion of the Attorney and Solicitor-General.

"This fourth edition of Mr. Archbold's little work on the above statute (9 & 10 Vict. c. 66) is acceptable after the opinion, or rather the asserted opinion, of the law officers of the Crown, which has been given to the public from the Poor Law Commission Office. We were desirous of knowing what the profession would think of the mode in which that alleged opinion was sent forth to the world, and we find from the new edition, that we are likely to be by no means singular in the judgment we ventured to pass upon so very unusual a course as that adopted at Somerset House. Mr. Archbold says in the preface, 'The Poor Law Commissioners have not published the case on which the opinion has been given, and it is generally rumoured that they have not given us the whole of the opinion. This seems to be very unfair to the gentlemen whom they profess to have consulted. They should either have published the substance of the opinion, in the form of instructions from themselves to parish officers, as to the manner in which the statute should be executed; or if they conceived it to be necessary to publish the opinion, as such, they should have given it entire and without reservation, and they should have published the case on which the opinion was given. An opinion of a barrister must always be considered and judged of with reference to the case on which it is given, the facts stated, and the manner of stating them. A case may in general be stated in such a manner as to elicit a particular opinion upon any point; when an opposite or different opinion might be given by the same barrister, without inconsistency, on a different statement of facts.' The learned gentleman thus gives us very clearly what the profession look for, and the public who are called upon to act on the opinion, surely cannot look for less. He considers and justifies his pressing the publication on the ground that the attention of the law officers of the Crown was not called by the case to the decision of the Court of Queen's Bench in Rex *v.* Mile End Town, 4 A. and E., 196; and perhaps owing to that omission, the opinion has gone forth to the world, that English and Welsh parishes are to be for ever burdened with the support of all Irish, Scotch, and Channel Isles poor who have resided in such parishes for five years. This construction of the Act is to us so unjust, and so unlikely to be the true one, even as regards the intention of the Legislature, that on that ground we should reject it; but, further, we are convinced the statute will not bear the construction upon its own words; and, therefore, we do not hesitate to denounce the monstrous proposition that English and Welsh parishes are to be saddled with these classes of their pauper fellow-subjects. Additions have been made to the notes; but the learned gentleman is opposed to some of the opinions promulgated as those of the Attorney-General and Solicitor-General."

This very important question, although incidentally discussed, has never yet been decided in the superior courts; and in the absence of any decisions, the Poor Law Board give no directions to the guardians. It is, therefore, necessary to inquire whether the Irish Removal Act, which by section 7 is to be read as one Act with the 4th & 5th Will. 4, c. 76, is an Act to *amend and extend* the General Poor Law Act; and in considering the question, the judgment of the court in "Rex *v.* Mile End" must not be overlooked, for it is there plainly shown what was the intention of the Legislature.

An Act to direct how Irish poor are to be removed from England cannot be an Act to *amend or extend* the English Poor Law Act; and, therefore, the Five Years' Residence Act does not in any manner alter the previous mode of removing *Irish* poor. The 8th section of the Five Years' Residence Act directs that Act to be construed as one with *the Act* for the amendment of the laws relating to *the poor* (what poor? English poor), and with all Acts to amend and extend the same.

It is true that the word "person," in the 1st section of the Five Years' Residence Act, is general; but there is no stronger reason for including Irish persons than there was for

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making them subject to the provisions of the 4th & 5th Will. 4, c. 76, which is an Act relating *to the poor in England and Wales.*

Mr. Lumley, who comments upon this statute, but evidently with considerable doubt as to its operations, argues that the word "person" means also an Irish person, and attaches importance to the fact, that the word "warrant," which is throughout used in the Irish Removal Act, is also used in the Five Years' Residence Act.

Now, the word "warrant" means a precept signed by justices, and here expresses nothing more than an *order* of removal; and in proof of this, the 7th section of the Five Years' Residence Act alludes to the delivery of a pauper to a union workhouse under "*any warrant of removal.*" *No Irish pauper could be so removed* to an English workhouse, and therefore the word "warrant" is throughout the statute used, instead of *order* of removal; and certainly can be no guide whatever in arriving at the conclusion, that the intentions of the Legislature were that Irish persons should be contemplated in the Five Years' Residence Act.

The Poor Law Board, in their letter of 12 March 1852, direct attention to the remarks of Mr. Justice Patteson, in a case, "Regina *v.* St. Giles'," decided November 1851 (21, Law Journal Reports, n. s., M. C. 26). Although in that case the pauper's father, an Irishman, had resided in England 34 years, the respondents agreed that the question of his irremovability by reason of five years' residence was *not* raised; therefore, nothing relevant to the present inquiry arises from that decision. Mr. Justice Patteson simply inquires, "Does not the 9 & 10 Vict. c. 66, affect this question, and render the father irremovable by reason of five years' residence?" The case of "Rex *v.* Mile End" was quoted, but only as an authority to prove that there is no immediate status between emancipation and non-emancipation.

Ballantine, in support of the order in the case alluded to by the Poor Law Board, stated that the sole question was, whether the father of the pauper was removable to Ireland by *reason of chargeability;* never raising the point as to his being resident more than five years in England; and he then contended that a summons might issue to bring the father before the justices, and if he did not then support his daughter, he and all his family *might be removed to Ireland.*

The Rev. Mr. Black, in his letter of the 13th May, addressed to the guardians, states that "the parties tendering passes must have been aware that they were instigating the paupers to commit perjury, viz., to swear that they had not resided five years in Bradford, although they had so resided."

This is certainly a serious imputation against the guardians or their officers; but Mr. Black must transfer the charge of subornation to the borough justices, who, in their discretion, have thought proper to introduce into the pauper's examination words not to be found in the form prescribed in the Schedule to the Irish Removal Act, and which it is submitted they are not required to insert, there being no case decided to make such an allegation necessary.

The Bradford Union is not singular in adopting this interpretation of the Acts; the Strand (London) Union say that "they act upon that construction of the law which excludes Irish poor from the privileges of the Five Years' Residence Act." Three other important unions could be mentioned.

Another Act of Parliament remains to be referred to, one passed *after* the Five Years' Residence Act, viz., 10 & 11 Vict., c. 33, which is "An Act to amend the laws relating to the removal of poor persons from England and Scotland."

It recites the Irish Removal Act, and also an Act relating solely to Scotland, but it does *not* recite the Five Years' Residence Act.

Section 1 enacts that it shall be lawful for any guardian, relieving officer, or overseer, of any parish or union in England, to take and convey before two justices, without summons, EVERY poor person who shall become chargeable to any parish in England, and *who he may have reason to believe is liable to be removed from England under the first recited Act* (the Irish Removal Act), and the justices before whom any such person shall be so brought, shall hear and EXAMINE, *and proceed in the same manner* in all respects as if such person had been brought before them, under and in manner directed by that Act.

This must be conclusive, and it would appear that the magistrates can have no pretext for asking the pauper if he has resided five years in Bradford with a view of inserting his answer in his deposition.

It must nevertheless be remembered that the justices, under the Irish Removal Act, are not absolutely bound to pass all Irish paupers sent to them; they have a discretion; they are to examine, and to pass "*if they see fit.*"

This Act is *not* incorporated with any other Act. Its necessity seems to have arisen for the purpose of enabling parties to take the Irish at once before the justices without previously obtaining a warrant or a summons.

I hope that I have now clearly pointed out the reasons which induce me to advise the guardians that they have legally a *right* to present the Irish paupers to the justices, for the purpose

purpose of being passed, irrespective of their length of residence in this union. The expediency of removing to their birthplace in the sister country the numerous applicants for relief of Irish parentage, is a consideration into which, as your legal adviser, it is not my province to enter, but I am persuaded that you will exercise a humane discretion in using those powers with which the Legislature has invested you.

I remain, Gentlemen,

Your faithful servant,

Bradford, 28 May 1852. *John Darlington*, Union Clerk.

P. S.—Since the above letter was written, I have received from the Poor Law Board a copy of the case submitted by the Board in 1846 to the then Attorney-General and Solicitor-General, with a copy of their opinion; and with reference to the remarks extracted from the "Justice of the Peace," it is right to observe that the case does appear to have been fairly stated to them, and reference *was* made to the case "Rex *v.* Mile End Town." At the same time, the Poor Law Board desire me to remind the guardians that the Court of Queen's Bench, in the case of "Regina *v.* Christchurch," gave a decision at variance with the opinions of the Attorney-General and Solicitor-General on the first point submitted to them in reference to the Five Years' Residence Act. As therefore the opinion of the law officers of the Crown, on the first point submitted for their consideration, met with a reversal by a higher authority, the guardians will have less hesitation in coming to the conclusion that they may have also erred in the proper construction of the enactments affecting the removability of Irish poor, especially as their opinion was given without the lights afforded by the commentaries of Mr. Archbold and other experienced annotators on the language of the Acts of Parliament relating to the subject.

Borough of Bradford, in the County of York.

The ANNUAL REPORT of the Chief Constable to the Watch Committee of the Council of the said Borough, for the Year ending the 30th day of September 1854.

Borough Police Office, Bradford, 6 October 1854.

The chief constable begs to lay before the watch committee his annual report of the state of crime within the borough and the operations of the constabulary, including tabulated comparisons.

In the number of felonies and larcenies reported, there is an increase of 32 upon last year, but the cases undetected are less by 43. *See* Table No. I.

The amount of property stolen within the borough during the year is much less than was stolen last year. *See* Table No. II.

In the number of persons apprehended by the police, and taken before the magistrates for offences committed within the borough, there is an increase upon last year of 266. *See* Table No. III.

Of the number of persons taken into custody, compared with the present population of the borough, the proportion of Irish is very great, almost one-half. The total number taken into custody was 918, of which 399 were Irish. *See* Table No. IV.

Table No. V. shows the comparative amount of property stolen and recovered within the borough, during three months in this and three months in last year; also the number of prisoners taken before the magistrates, and the result during the same period.

Table No. VI. shows the respective occupations or professions of the prisoners apprehended by the police within the borough, and taken before the magistrates, including the offences with which they were charged, from 30 September 1853 to 30 September 1854.

Table No. VII. shows the number of publicans and beer-sellers summoned before the magistrates, from 30 September 1853 to 30 September 1854, with a tabulated comparison.

In the number of known brothels within the borough there is an increase of 17 during the year, whilst the increase of known prostitutes is but 22, and in the number of beer houses where prostitutes lodge there is a decrease of three. *See* Table No. VIII.

With respect to the general conduct of the police force, the chief constable is enabled to speak in terms of praise and satisfaction.

To the Chairman and Members of the Watch Committee, Bradford.

Wm. Leveratt, Chief Constable.

Appendix, No. 3.

TABLE No. I.

TABLE showing the NUMBER of ROBBERIES, &c. Reported and Detected within the Borough, from 30th September 1853 to 30th September 1854, with Tabulated Comparison of previous Years.

	1851.		1852.		1853.		1854.	
	Reported.	Detected.	Reported.	Detected.	Reported.	Detected.	Reported.	Detected.
Burglaries - - -	7	4	- -	- -	1	1	3	3
Robberies from Shops or Offices - - -	85	53	70	51	67	47	62	48
Robberies from Persons by force - - -	4	2	- -	- -	4	4	6	6
Robberies by Prostitutes or Pickpockets -	28	24	27	22	35	24	41	25
Larcenies from Dwellings	68	40	52	32	53	27	51	35
„ Miscellaneous -	58	34	34	22	32	21	60	41
	250	157	183	127	192	124	223	158

TABLE No. II.

TABLE showing the AMOUNT of PROPERTY STOLEN and RECOVERED within the Borough, from 30th September 1853 to 30th September 1854, with a Tabulated Comparison of previous Years.

1851.		1852.		1853.		1854.	
Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
605 1 9	143 13 –	311 10 –	116 14 6	1,023 4 9	219 5 –	410 15 6	155 10 –

TABLE No. III.

TABLE showing a COMPARATIVE VIEW of CRIME committed within the Borough, during Seven Years, including the Number of Persons taken into Custody by the Police, and brought before the Magistrates, the Nature of the Offence, and Result.

YEARS.	For Felony.	For Assaults and Drunkenness.	For other Offences.	Committed for Trial.	Fined or Imprisoned.	Discharged.	TOTAL.
1848 - - -	268	411	101	164	436	180	780
1849 - - -	210	535	192	90	577	280	937
1850 - - -	199	301	207	81	404	218	707
1851 - - -	243	287	182	114	404	171	712
1852 - - -	262	276	220	125	410	222	758
1853 - - -	239	228	185	121	349	182	652
1854 - - -	379	254	285	118	518	282	918

TABLE

TABLE No. IV.

TABLE showing the NUMBER of PRISONERS Apprehended by the Police within the Borough, and brought before the Magistrates, from 30 September 1853 to 30 September 1854, including the Nature of the Crime, Result of Examination, to what Country Prisoners belong, comparative Ages, &c.

NATURE OF OFFENCE.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	English.		Irish.		Scotch.		Foreign.		Comparative Ages.					
					Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.	Years, 10 to 15.	Years, 15 to 20.	Years, 20 to 30.	Years, 30 to 40.	Years, 40 to 50.	Years, 50 and upwards.
Robbery from Person by force	6	6	-	-	6	-	-	-	-	-	-	-	-	-	3	3	—	—
„ by Pickpockets	54	4	44	6	20	2	25	7	-	-	-	-	12	21	14	7	—	—
„ by Prostitutes in Brothels	7	-	-	7	-	3	-	4	-	-	-	-	-	-	6	1	—	—
„ by Prostitutes in Streets	35	9	3	23	-	14	-	20	-	1	-	-	-	1	28	5	1	—
Stealing from Dwellings	79	29	9	41	31	18	18	13	-	-	-	-	3	19	34	16	5	1
„ „ Shops	80	33	17	30	34	3	22	19	-	-	2	-	8	17	35	16	3	—
„ „ Office, or Warehouse	7	3	1	3	7	-	-	-	-	-	-	-	1	4	2	—	—	—
„ „ Exposed Situations	88	20	22	46	42	3	32	11	-	-	-	-	19	24	30	12	3	—
Obtaining Goods by false pretences	3	3	-	-	-	3	-	-	-	-	-	-	-	-	2	1	—	—
„ Money by ditto	1	1	-	-	1	-	-	-	-	-	-	-	-	-	1	—	—	—
Burglary	4	4	-	-	4	-	-	-	-	-	-	-	-	-	2	1	1	—
Perjury	2	2	-	-	2	-	-	-	-	-	-	-	-	-	2	—	—	—
Coining, or uttering base Coin	11	1	1	9	-	-	10	1	-	-	-	-	-	1	10	—	—	—
Bigamy	1	1	-	-	-	1	-	-	-	-	-	-	-	-	-	1	—	—
Assault (Indecent)	4	-	2	2	1	-	3	-	-	-	-	-	-	-	3	—	—	—
„ Common	126	2	115	9	65	2	55	2	1	-	-	-	-	11	80	24	11	1
Drunkenness	124	-	106	18	51	22	21	25	-	5	-	-	-	9	45	43	18	9
Vagrancy	140	-	67	73	50	14	41	31	-	2	-	-	17	20	57	30	13	3
Wilful Damage	7	-	6	1	5	-	1	1	-	-	-	-	-	3	4	—	—	—
Gambling	44	-	41	3	26	-	18	-	-	-	-	-	3	26	12	—	—	—
Runaway Apprentices	5	-	1	4	5	-	-	-	-	-	-	-	-	5	—	—	—	—
Under Worsted Act	18	-	14	4	8	-	10	-	-	-	-	-	-	-	16	2	—	—
Deserter	1	-	1	-	-	-	1	-	-	-	-	-	-	-	1	—	—	—
Neglect of Family	71	-	68	3	63	-	8	-	-	-	-	-	-	1	47	22	1	—
TOTAL	918	118	518	282	421	85	265	134	1	8	2	-	63	152	434	184	56	14
					506		399		9									

TABLES No. V.

TABLE showing the Amount of Property Stolen within the Borough, from 1 July to 30 September 1854, including a Tabulated Comparison with the corresponding Quarter in 1853.

	JULY 1854.		JULY 1853.		AUGUST 1854.		AUGUST 1853.		SEPTEMBER 1854.		SEPTEMBER 1853.		TOTAL, 1854.		TOTAL, 1853.	
	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.	Stolen.	Recovered.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
From Dwellings	1 10 –	– 15 –	102 9 –	2 5 –	1 10 –	– 10 –	4 14 –	4 14 –	35 18 –	– 8 –	108 8 –	– 7 –	38 18 –	1 13 –	215 11 –	7 6 6
„ Shops or Offices	5 14 –	5 14 –	3 11 –	2 1 –	11 2 –	6 17 –	25 9 –	21 19 –	4 5 –	2 16 –	– 5 –	– 5 –	21 1 –	15 7 –	29 5 –	23 5 –
„ Persons by Pickpockets	1 12 –	1 12 –	1 2 –	– –	– 1 –	– –	2 5 –	– 10 –	1 5 –	– 11 –	– – –	– –	2 18 –	2 3 –	3 7 –	– 10 –
„ „ Prostitutes	– 16 –	– 7 –	– 9 –	– –	5 8 6	5 8 6	1 5 –	– 4 –	1 2 –	– –	– 1 –	– 1 –	7 4 –	5 14 –	1 15 –	– 5 –
„ Exposed Situations	– 13 6	– 3 6	– 10 –	– 10 –	2 3 –	1 7 –	1 17 –	– 17 –	– 6 –	– 5 –	– 5 –	– 5 –	3 5 –	1 19 –	2 12 –	1 12 –
By False Pretences	– –	– –	– – –	– –	– –	– –	50 – –	– –	2 – –	– –	– – –	– –	2 – –	– –	50 – –	—
Total £.	10 4 6	8 11 6	108 1 –	4 16 –	20 4 6	14 12 6	86 10 –	28 4 –	44 16 –	4 – –	108 19 –	– 18 –	75 6 –	26 16 –	302 10 –	32 18 6

TABLE showing the Number of Prisoners Apprehended by the Police, and brought before the Magistrates, from the 1st of July 1854 to 30th September 1854, including a Tabulated Comparison with the corresponding Quarter in 1853.

	JULY 1854.				JULY 1853.				AUGUST 1854.				AUGUST 1853.				SEPTEMBER 1854.				SEPTEMBER 1853.				TOTAL 1854.				TOTAL 1853.			
	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.	Number of Prisoners.	Committed for Trial.	Fined or Imprisoned.	Discharged.
For Felony	33	7	3	23	14	1	4	9	24	12	2	10	31	12	2	17	23	6	3	14	14	5	2	7	80	25	8	47	59	18	8	33
„ Assaults	18	–	18	–	12	–	8	4	11	–	11	–	8	–	8	–	7	–	7	–	23	–	21	2	36	–	36	–	43	–	37	6
„ Drunkenness	8	–	7	1	7	–	4	3	11	–	10	1	8	–	8	–	17	–	15	2	8	–	8	–	32	–	32	–	23	–	20	3
„ Vagrancy	3	–	1	2	11	–	8	3	7	–	4	3	11	–	4	7	11	–	6	5	24	–	17	7	21	–	11	10	46	–	29	17
Obtaining Money by False Pretences	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1	1	–	–	–	–	–	–	1	1	–	–	–	–	–	–
Other Offences	8	–	5	3	–	–	–	–	11	–	10	1	–	–	–	–	11	–	9	2	–	–	–	–	30	–	24	6	–	–	–	–
Total	70	7	34	29	44	1	24	19	64	12	37	15	58	12	22	24	70	7	40	23	69	5	43	16	210	26	111	63	171	18	94	59

TABLE No. VI.

TABLE showing the Occupations of Prisoners Apprehended by the Police within the Borough, and brought before the Magistrates, from 30th September 1853 to 30th September 1854, including the Offences with which they were Charged.

Occupations.	Felony.	Drunkenness.	Assault.	Pick-pockets.	Vagrancy.	Other Offences.	Total.
Bricklayer	-	2	-	-	-	-	2
Brickmaker	1	-	-	-	-	-	1
Boatman	1	-	1	-	-	-	2
Bootbinder	1	-	-	-	-	-	1
Bookkeeper	1	1	-	-	-	-	2
Beerseller	1	-	1	-	-	-	2
Butcher	-	-	2	-	-	-	2
Blacksmith	1	-	1	1	1	-	4
Comber	25	14	17	3	5	40	104
Collier	3	1	-	-	-	-	4
Capmaker	1	-	-	-	-	-	1
Chemist	1	-	-	-	-	1	2
Cooper	3	-	1	1	-	1	6
Cart-driver	6	1	-	-	-	-	7
Confectioner	1	-	-	-	-	1	2
Cab-driver	-	-	2	3	-	-	5
Calico-printer	-	-	-	1	-	-	1
Clockmaker	-	-	-	2	-	-	2
Card-cutter	-	-	-	1	-	1	2
Cotton-spinner	-	-	-	-	2	-	2
Clogger	1	-	1	-	-	2	4
Domestic servant	13	-	1	-	-	-	14
Delver	-	-	2	-	-	2	4
Dyer	1	-	1	1	-	1	4
Engineer	-	-	1	-	-	-	1
Farmer	1	-	-	-	-	-	1
Farm servant	1	-	-	-	-	-	1
Gardener	-	3	1	-	-	-	4
General dealer	1	-	-	-	-	-	1
Glazier	-	-	-	-	1	-	1
Hawker	10	1	-	2	1	3	17
Hairdresser	-	1	-	-	-	-	1
Horse-dealer	1	-	-	-	-	-	1
Joiner	4	1	1	-	1	5	12
Labourer	139	36	58	12	72	58	375
Mill-boy	31	-	-	16	6	10	63
Mill-girl	7	-	-	-	1	-	8
Mechanic	-	-	-	-	1	1	2
Musician	-	-	1	-	-	-	1
Moulder	1	1	3	-	-	4	9
Overlooker	-	1	1	-	-	3	5
Puddler	1	1	-	-	-	2	4
Painter	1	-	-	1	-	-	2
Prostitute	41	44	2	5	25	-	117
Provision dealer	1	-	-	-	-	-	1
Planemaker	-	1	-	-	-	-	1
Presser	4	-	1	-	-	1	6
Plumber	1	-	-	-	-	-	1
Plasterer	1	-	-	-	-	-	1
Packer	-	-	1	-	-	-	1
Soldier	1	1	2	-	-	-	4
Spinner	-	-	1	1	4	1	7
Stuff sinjer	1	-	-	-	-	1	2
Skinner	1	-	-	-	-	1	2
Shoemaker	7	1	1	-	-	5	14
Stonemason	5	1	3	-	-	2	11
Sawyer	-	-	1	-	-	-	1
Shopkeeper	-	-	-	-	-	1	1
Sweep	2	-	-	-	-	-	2
Thief	8	-	-	9	-	-	17
Tailor	1	1	-	1	-	-	3
Tinner	1	-	1	-	-	-	2
Wood turner	1	-	-	1	-	-	2
Weaver	19	3	3	1	5	7	38
Warp dresser	-	-	1	-	-	-	1
Wheelwright	1	-	1	-	-	-	2
Woolsorter	-	1	-	-	-	-	1

TABLE No. VII.

TABLE showing the NUMBER of PUBLICANS and BEERSELLERS within the Borough Summoned before the Magistrates, from the 30th of September 1853 to the 30th of September 1854, with a Tabulated Comparison.

1854:		£.	s.	d.
Publicans - 7 - fined		6	5	–
Beersellers - 56 - „		71	15	–
	£.	78	–	–

1853:		£.	s.	d.
Publicans - 9 - fined		11	10	–
Beersellers - 41 - „		50	10	–
	£.	62	–	–

1852:		£.	s.	d.
Publicans - 11 - fined		9	10	–
Beersellers - 34 - „		55	10	–
	£.	65	–	–

TABLE No. VIII.

TABLE showing the NUMBER of known BROTHELS and known PROSTITUTES within the Borough, with a Tabulated Comparison of Seven Years.

YEARS.	Number of Brothels.	Prostitutes residing in Brothels.	Prostitutes residing in Beerhouses or Lodging-houses.	Beerhouses where Prostitutes Lodge.	TOTAL Number of known Prostitutes in the Borough.
1848 - - - -	47	89	24	18	113
1849 - - - -	69	136	18	14	154
1850 - - - -	46	105	14	11	119
1851 - - - -	44	104	29	16	134
1852 - - - -	40	93	17	10	110
1853 - - - -	35	80	24	15	104
1854 - - - -	52	108	18	12	126

The present strength of the police force of the Borough is 111, and of those who joined the force on 1 January 1848, there are remaining 25; viz.

1	Chief Constable.
1	Superintendent.
1	Inspector.
10	Serjeants.
9	Privates.
2	Detectives.
1	Process server.
25	
3	Privates - - 6 years' service.
5	„ - - 5 „
7	„ - - 4 „
26	„ - - 3 „
17	„ - - 2 „
28	„ - - 1 „
TOTAL strength - - -	111

During the past year there have been reported 29 police constables for the following offences:

Drunk on duty - -	8 dismissed the service.
Neglect of duty - -	3 „
Ditto ditto - -	3 suspended.
Ditto ditto - -	3 fined.
Ditto ditto - -	8 reprimanded.
Unofficer-like conduct	4 dismissed the service.
TOTAL - -	29

Appendix, No. 4.

PAPERS delivered in by *E. Senior*, Esq., 7 May 1855. Appendix, No. 4.

LIST of Unions in which Three Meals a Day are given to Able-bodied Paupers.

Antrim.	Cootehill.	Lurgan.
Ardee.	Donegal.	Magherafelt.
Armagh.	Downpatrick.	Manorhamilton.
Athy.	Drogheda.	Milford.
Bailinasloe.	Dundalk.	Monaghan.
Ballycastle.	Dunfanaghy.	Mountmelick.
Ballymena.	Dunshaughlin.	Navan.
Ballymoney.	Edenderry.	Newry.
Banbridge.	Enniskillen.	Newtownards.
Bawnboy.	Glenties.	Newtownlimavady.
Belfast.	Inishowen.	Omagh.
Boyle.	Kilkeel.	Sligo.
Castleblaney.	Larne.	Stranorlar.
Castlederg.	Letterkenny.	Trim.
Clones.	Lisburn.	
Coleraine.	Lisnaskea.	48 Unions.
Cookstown.	Londonderry.	

LIST of Unions in *Ireland* in which Soup is not given to Workhouse Inmates.

Abbeyleix.	Dungannon.	Lowtherstown.
Antrim.	Dungarvan.	Midleton.
Athlone.	Dunshaughlin.	Mohill.
Bailieborough.	Edenderry.	Naas.
Ballinasloe.	Enniskillen.	Newcastle.
Ballyshannon.	Galway.	Parsonstown.
Baltinglass.	Glennamaddy.	Rathdown.
Bandon.	Glenties.	Rathdrum.
Bawnboy.	Glin.	Roscommon.
Castlebar.	Gortin.	Shillelagh.
Castlederg.	Granard.	Stranorlar.
Castletowndelvin.	Inishowen.	Swineford.
Claremorris.	Kells.	Tullamore.
Cootehill.	Killala.	Wexford.
Corrofin.	Kilmacthomas.	Youghal.
Donegal.	Lismore.	49 Unions.
Dunfanaghy.	Lisnaskea.	

(See Abbeyleix Letter of 21 December 1853.)

LIMERICK UNION WORKHOUSE.

Daily Diet for Healthy Inmates.

Classes.	BREAKFAST.			DINNER.				SUPPER.			TOTAL DAILY ALLOWANCE.				
	Indian Meal.	Milk.	White Bread.	White Bread.	Brown Bread.	Milk.	Soup.	White Bread.	Brown Bread.	Milk.	Indian Meal.	Milk.	White Bread.	Brown Bread.	Oatmeal in Soup.
	Oz.	*Pints.*	*Oz.*	*Oz.*	*Oz.*	*Pints.*	*Pints.*	*Oz.*	*Oz.*	*Pints.*	*Oz.*	*Pints.*	*Oz.*	*Oz.*	*Oz.*
1	8	–½	–	–	16	–	2	–	–	–	8	–½	–	16	2
2	7	–½	–	–	14	–	1½	–	–	–	7	–½	–	14	1½
3	6	–½	–	12	–	¾	–	–	–	–	6	1¼	12	–	–
4	6	–½	–	–	10	–	1	–	4	–	6	–½	–	14	1
5	4	–½	–	–	8	½	–	–	4	–	4	1	–	12	–
6	–	–½	4	4	–	½	–	4	–	–	–	1	12	–	–
7	–	1	4	4	–	½	–	–	–	–	–	1½	8	–	–

CORK UNION.

Dietary for Healthy Classes.

CLASS.	BREAKFAST.		DINNER.		SUPPER.
	Indian Meal.	Milk.	Bread.	Porridge.	
	Oz.	*Pints.*	*Oz.*	*Pints.*	
1. Able-bodied males	8	–¾	16	1½	—
2. Able-bodied females	8	–¾	16	1½	—
3. Aged and infirm males and females	12 oz. (bread)	1	12	1 (milk)	—
4. Boys and girls, under 15 to 9	5	–½	12	porridge 1	4 oz. bread ½ pint milk
5. Children, under 9 to 5	4	–½	8	1	4 oz. bread ½ pint milk
6. Children, under 5 to 2	3	–½	8	–¾	4 oz. bread ½ pint milk
7. Infants, under 2	4 oz. (bread)	–½ sweet milk	4	–¼ new milk	4 oz. bread ¼ pint new milk

Classes 3, 6 and 7, get white bread.
Brown bread is composed of half wheaten meal and seconds flour.
Farinaceous soup of 8 oz. oatmeal, 3 oz. rice to the gallon, and one cwt. cabbages, and 1½ stones onions to 125 gallons.
Class 7 only get new milk, the others get skimmed milk.

W. Fitzmaurice, Master.

BELFAST UNION.

Dietary for Healthy Inmates.

CLASS.	BREAKFAST.		DINNER.					SUPPER.	
			Three Days in Week.			Four Days in Week.			
	Meal.	Buttermilk.	Bread.	Soup.	Meat.	Meal.	Buttermilk.	Meal.	Buttermilk.
	Oz.		*Oz.*		*Oz.*	*Oz.*		*Oz.*	
1. Able-bodied working men	6	½ quart	10	1 quart	4	8	½ quart	5	½ quart
2. Able-bodied working women	5	⅓ ,,	8	1 ,,	4	6	⅓ ,,	5	⅓ ,,
3. Infirm of both sexes	5	⅓ ,,	7	1½ pint	4	6	⅓ ,,	4	⅓ ,,
4. Children under 15 and above 9 years	5	⅓ ,,	8	1½ ,,	3	5	⅓ ,,	6	½ pint new milk.
5. Children under 9 and above 5 years	4	½ pint	6	1 ,,	2	4	⅓ ,,	5	½ pint new milk.
6. Children under 5 and above 2 years	3	½ pint sweet milk	5	–¾ ,,	2	4	½ pint sweet milk	4	½ pint new milk.
7. Infants under 2 years	Daily, 8 oz. bread, 1 pint sweet milk.								

DIETARIES of *North* and *South Dublin* Unions.

(Oatmeal and Rice Dinner Days.)

CLASSES.	NORTH DUBLIN UNION. Allowance on Two Days (Tuesday and Friday).	SOUTH DUBLIN UNION. Allowance on Three Days (Monday, Wednesday and Friday).
1	7 oz. meal, ½ pint new milk 8 oz. meal and rice, ½ pint new milk	7 oz. meal, ½ pint new milk. 7 oz. meal and rice, ½ pint new milk.
2	7 oz. meal, ½ pint new milk 8 oz. meal and rice, ½ pint new milk	7 oz. meal, ½ pint new milk. 7 oz. meal and rice, ½ pint new milk.
3	7 oz. meal, ½ pint new milk 6 oz. meal and rice, ½ pint new milk	(The infirm class appears to receive one or other of the Hospital Diets.)
4 Boys and Girls from 9 to 15. — Boys from 12 to 15.	5 oz. meal, ½ pint new milk 4 oz. meal and rice, 6 oz. bread, ½ pint new milk	5½ oz. meal, ½ pint new milk. 5½ oz. meal and rice, 6 oz. bread, ½ pint new milk.
4 Boys and Girls from 9 to 15. — Other Children from 9 to 15.	3½ oz. meal, ½ pint new milk 4 oz. meal and rice, 6 oz. bread, ½ pint new milk	4 oz. meal, ½ pint new milk. 4 oz. meal and rice, 6 oz. bread, ½ pint new milk.
5 Children from 5 to 9. — Boys from 7 to 9.	3½ oz. meal, ½ pint new milk 3 oz. meal and rice, 4 oz. bread, ½ pint new milk	3½ oz. meal,* ½ pint new milk. 3½ oz. meal and rice, 4 oz. bread, and ½ pint new milk.
5 Children from 5 to 9. — Other Children from 5 to 9.		3 oz. meal,* ½ pint new milk. 3½ oz. meal and rice, 4 oz. bread, ½ pint new milk.
6 Children from 2 to 5.	12 oz. bread, 2½ oz. meal and rice, 1 pint new milk	10 oz. bread, 2½ oz. rice, 1 pint new milk; (Tuesdays, Fridays, and Saturdays.)
7 Children under 2 years.	12 oz. bread, and 1 pint new milk	3 Divisions of Class 7. 1. 6 oz. bread, and 1 pint new milk. 2. 6 oz. bread, 1½ oz. rice, and 1 pint new milk. 3. 10 oz. bread, 2 oz. rice, and 1½ pint new milk.

* On Tuesday 3½ oz. Rice instead of Meal for Breakfast.

DIETARIES of *North* and *South Dublin* Unions.

(Bread Dinner Days.)

CLASSES.	NORTH DUBLIN UNION. Allowance on Two Days, (Sunday, Thursday).	NORTH DUBLIN UNION. Allowance on Three Days, (Monday, Wednesday, Saturday).	SOUTH DUBLIN UNION. Allowance on Two Days, (Sunday, Thursday).	SOUTH DUBLIN UNION. Allowance on Two Days, (Tuesday, Saturday).
1	7 oz. meal, ½ pint new milk 12 oz. bread, 1 pint soup	7 oz. meal, ½ pint new milk 16 oz. bread, ½ pint new milk	7 oz. meal, ½ pint new milk 16 oz. bread, 1 pint soup	7 oz. meal, ½ pint new milk. 16 oz. bread, ½ pint new milk.
2	7 oz. meal, ½ pint new milk 12 oz. bread, 1 pint soup	7 oz. meal, ½ pint new milk 16 oz. bread, ½ pint new milk	7 oz. meal, ½ pint new milk 16 oz. bread, 1 pint soup	7 oz. meal, ½ pint new milk. 16 oz. bread, ½ pint new milk.
3	7 oz. meal, ½ pint new milk 12 oz. bread, 1 pint soup	7 oz. meal, ½ pint new milk 12 oz. bread, ½ pint new milk	(The infirm class appears to receive one or other of the Hospital Diets.)	
4 Boys and Girls from 9 to 15. — Boys from 12 to 15.	5 oz. meal, ½ pint new milk. 18 oz. bread, ½ pint soup.	5 oz. meal, ½ pint new milk. 18 oz. bread, ½ pint new milk.	5½ oz. meal, ½ pint new milk. 18 oz. bread, ½ pint soup.	5½ oz. meal, ½ pint new milk. 18 oz. bread, ½ pint new milk.
4 Boys and Girls from 9 to 15. — Other Children from 9 to 15.	3½ oz. meal, ½ pint new milk. 18 oz. bread, ½ pint soup	Other Children from 9 to 15. 3½ oz. meal, ½ pint new milk. 18 oz. bread, ½ pint new milk.	Other Children from 9 to 15. 4 oz. meal, ½ pint new milk. 18 oz. bread, ½ pint soup	4 oz. meal, ½ pint new milk. 18 oz. bread, ½ pint new milk.
5 Children from 5 to 9 — Boys from 7 to 9.	3½ oz. meal, ½ pint new milk 12 oz. bread, ½ pint soup	3½ oz. meal, ½ pint new milk 12 oz. bread, ½ pint new milk	Boys from 7 to 9. 3½ oz. meal, ½ pint new milk. 12 oz. bread, ½ pint soup	3½ oz. rice, ½ pint new milk. 12 oz. bread, ½ pint new milk.*
5 Children from 5 to 9 — Other Children from 5 to 9.			3 oz. meal, ½ pint new milk. 12 oz. bread, ½ pint soup	3½ oz. rice, ½ pint new milk.* 12 oz. bread, ½ pint new milk.
6 Children from 2 to 5	16 oz. bread, ½ pint new milk ½ pint soup.	16 oz. bread, 1 pint new milk	16 oz. bread, 1 pint new milk	16 oz. bread, 1 pint new milk, (Monday and Wednesday.)
7 Children under 2 years	12 oz. bread, 1 pint new milk	12 oz. bread, 1 pint new milk	3 Divisions of Class 7. 1. 6 oz. bread, 1 pint new milk. 2. 6 oz. bread, 1½ oz. rice, and 1 pint new milk. 3. 10 oz. bread, 2 oz. rice, and 1½ pint new milk.	

* On Friday 3½ oz. Rice and Oatmeal, and 4 oz. Bread instead of the 12 oz. Bread above stated.

SLIGO WORKHOUSE.

DIET for HEALTHY INMATES adopted 28th March 1848.

CLASS.	BREAKFAST.			DINNER.		SUPPER.
	Indian Meal.	Oatmeal.	Buttermilk.	Brown Bread.	Soup.	Bread.
	Oz.	*Oz.*	*Pints.*	*Oz.*	*Pints.*	*Oz.*
1. Able-bodied working males - - -	5	2	1	12	2	6
2. Able-bodied working females - - -	5	2	1	10	1½	4
3. Aged and infirm, but not working - -	5	2	1	10	-½ new milk.	4
4. Children above 9 and under 15 years - -	3	1	1	8	1 soup.	6
5. Children above 5 and under 9 years - -	3	1	-½ sweet milk.	6	1	4
6. Children above 2 and under 5 years - -	3	1	-½ sweet milk.	6	1	4
7. Infants under 2 years - - - - -	½ lb. white bread and 1 Pint sweet milk, daily.				—	—

WATERFORD UNION.

HALL DIETARY at present in use in the Workhouse.

CLASS.	BREAKFAST.				DINNER.				SUPPER.		* Meal.
	Indian Meal.	Rice.	New Milk.	Skim Milk.	Meal	* Soup.	Bread.	Skim Milk.	Bread.	Butter-milk.	
	Oz.	*Oz.*	*Pints.*	*Pints.*	*Oz.*	*Pints.*	*Oz.*	*Pints.*	*Oz.*	*Pints.*	*Oz.*
1. Men - - - - - -	7	1	–	1	12	–	–	1	—	—	—
2. Women - - - - -	7	1	–	1	12	–	–	1	—	—	—
3. Aged and infirm - - -	7	1	-⅓	–	–	1	16	–	–	–	2 (men.) 1½ (women.)
4. Children from 9 to 15 -	4	1	-½	–	–	1	8	–	6	-½	1
5. Children from 5 to 9 - -	3	1	-½	–	–	1	6	–	4	-½	1
6. Children from 2 to 5 - -	2½	-½	-½	–	–	-¾	6	–	4	-½	-¾
7. Infants under 2 - - -	8 oz. of white bread and 1 pint of new milk, daily.							—	—	—	—

COPY OF STANDARD DIETARY.

CLASSES.	BREAKFAST.		DINNER.		SUPPER.	OBSERVATIONS.
	Indian Meal.	New Milk.	Brown Bread.	Soup.	Brown Bread.	
	Oz.	*Pints.*	*Oz.*	*Pints.*	*Oz.*	
1. Able-bodied working males -	8	½	14	2	–	Where three meals are allowed, the amount of nutriment shall be at least equal to that contained in the two meals as set forth. The soup to be made of peas-meal or oatmeal, or of both, in the proportion of 8 oz. meal to one gallon of water, well seasoned with onions, pepper and salt, and thickened at all convenient seasons with turnips and carrots, or such other vegetables as the medical officer shall approve.
2. Able-bodied working females -	7	½	12	1½	–	
3. Aged and infirm persons of either sex, and adults above 15 years, but not working - -	6	½	10	1½	–	
4. Boys and girls above 9 and under 15 years of age - -	5	½	8	1	4	
5. Children above 5 and under 9 years of age - - -	4	½	6	1	4	
6. Children above 2 and under 5 years of age - - -	3	½	5	-¾	4	
7. Infants under 2 years - -	Shall be allowed not less than 8 oz. of white bread daily, and a pint of new milk daily.					

The highest Diet to Able-bodied Classes appears to be given in Sligo Union.

COMPARISON thereof with the Minimum Diet allowed, as per Commissioners' Scale.

——	COMMISSIONERS' SCALE.	SLIGO DIETARY.	COMPARISON OF DIETARIES.
Class 1.—Daily allowance	8 oz meal.	7 oz. meal.	1 oz. meal less than Commissioners' scale.
	14 oz. bread.	18 oz. bread.	4 oz. bread more than Commissioners' scale.
	1 pint buttermilk.	1 pint buttermilk.	equal.
	2 pints soup.	2 pints soup.	equal.
Class 2.—Daily allowance	7 oz. meal.	7 oz. meal.	equal.
	12 oz. bread.	14 oz. bread.	2 oz. bread in excess of Commissioners' scale.
	1 pint buttermilk.	1 pint buttermilk.	equal.
	1½ pint soup.	1½ pint soup.	equal.

Note.—It will be seen from the copy of the Belfast dietary, annexed, that on three days of the week, the Belfast diet exceeds that of Sligo, but on a comparison of the dietaries for the entire week, Sligo appears the higher of the two.

Appendix, No. 5.

PAPERS delivered in to the Committee by *H. B. Farnall*, Esq., Poor Law Inspector.

TABLE (A.)—MANCHESTER DISTRICT.

TABLE showing the Numbers of *English*, *Irish*, and *Scotch* PAUPERS Relieved (exclusive of Vagrants) in the several Unions

No.	NAMES of UNIONS.	OUT-DOOR PAUPERS.				IN-DOOR PAUPERS.			
		Number of Out-door Poor Relieved in the First Week of June Quarter 1854.	The Numbers of English, Irish, and Scotch which compose the foregoing TOTAL.			Number of In-door Poor Relieved in the First Week of June Quarter 1854.	The Numbers of English, Irish, and Scotch which compose the foregoing TOTAL.		
			English.	Irish.	Scotch.		English.	Irish.	Scotch.
1	Ashton-under-Lyne	1,362	1,233	129	-	267	239	28	-
2	Barnsley	1,320	1,284	35	1	202	162	32	8
3	Barton-on-Irwell	545	532	10	3	96	87	8	1
4	Blackburn	2,064	1,818	225	21	344	318	22	4
5	Bolton	2,966	2,727	236	3	457	419	37	1
6	Bradford	3,039	2,164	844	31	367	265	101	1
7	Burnley	1,857	1,819	36	2	85	83	1	1
8	Bury	2,783	2,710	73	-	214	210	3	1
9	Chorley	1,549	1,512	37	-	104	101	3	-
10	Chorlton	1,693	1,482	211	-	331	234	93	4
11	Clitheroe	935	927	7	1	92	86	6	-
12	Dewsbury	1,696	1,607	88	1	140	136	4	-
13	Ecclesall Bierlow	529	517	9	3	195	184	9	2
14	The Fylde	589	577	12	-	69	67	2	-
15	Garstang	575	575	-	-	51	51	-	-
16	Halifax	2,986	2,971	14	1	276	257	19	-
17	Haslingden	925	903	20	2	114	111	3	-
18	Huddersfield	3,067	2,993	72	2	250	225	19	6
19	Keighley	2,832	2,555	272	5	83	76	5	2
20	Lancaster	1,041	1,027	14	-	122	114	8	-
21	Leeds	3,225	2,822	384	19	449	389	51	9
22	Leigh	724	705	19	-	135	126	9	-
23	Liverpool	10,633	7,066	3,296	271	3,517	2,358	1,115	44
24	Manchester	7,126	4,251	2,823	52	2,381	1,535	831	15
25	North Bierley	1,703	1,699	4	-	86	80	5	1
26	Oldham	1,248	1,232	16	-	386	355	31	-
27	Ormskirk	740	729	11	-	60	59	1	-
28	Pateley Bridge	362	357	5	-	25	25	-	-
29	Penistone	391	390	1	-	-	-	-	-
30	Prescot	1,210	1,080	130	-	139	117	22	-
31	Preston	3,408	3,135	246	27	781	641	135	5
32	Prestwich	392	371	21	-	65	60	3	-
33	Rochdale	1,703	1,669	34	-	189	182	7	-
34	Rotherham	1,255	1,250	2	3	105	103	2	-
35	Saddleworth	211	211	-	-	106	106	-	-
36	Salford	1,607	1,418	182	7	562	496	61	5
37	Settle	533	524	9	-	111	110	1	-
38	Sheffield	3,077	2,937	132	8	411	356	53	2
39	Skipton	1,731	1,717	12	2	70	68	-	2
40	Stockport	1,234	1,088	145	1	438	385	53	-
41	Todmorden	1,124	1,120	4	-	-	-	-	-
42	Wakefield	1,690	1,657	32	1	171	165	5	1
43	Warrington	958	948	10	-	203	180	21	2
44	West Derby	3,544	2,726	706	112	669	528	137	4
45	Wigan	2,848	2,503	345	-	402	325	77	-
46	Wortley	483	481	2	-	68	68	-	-
	TOTALS	87,513	76,019	10,915	579	15,388	12,242	3,025	121

N.B.—The total number of paupers relieved in the above 46 Unions in the first week of the quarter ending Midsummer 1854, is - - - - - - - - - - 102,901

The per-centage of pauperism in each country on this Total is as follows, viz. - - - - - - - - - -

English	85·8
Irish	13·5
Scotch	0·7
TOTAL Irish and Scotch	14·2
	100·0

Appendix, No. 5.

PAPERS delivered in to the Committee by *H. B. Farnall*, Esq., Poor Law Inspector.

TABLE (A.)—MANCHESTER DISTRICT.

of this District in the First Week of the Quarter ending Midsummer 1854, being the Week ended the 1st April 1854.

TOTALS of OUT-DOOR and IN-DOOR PAUPERS.				OUT-DOOR and IN-DOOR PAUPERS.			NAMES of UNIONS.
Total Number of Out-door and In-door Paupers.	The Numbers of English, Irish, and Scotch, which compose the foregoing Total.			Per-Centage of Pauperism in each Country on the Total Number of Paupers in each Union.			
	English.	Irish.	Scotch.	English.	Irish.	Scotch.	
1,629	1,472	157	- -	90·4	9·6	- -	Ashton-under-Lyne.
1,522	1,446	67	9	95·0	4·4	0·6	Barnsley.
641	619	18	4	96·6	2·8	0·6	Barton-on-Irwell.
2,438	2,136	247	25	88·8	10·2	1·0	Blackburn.
3,423	3,146	273	4	92·0	7·9	0·1	Bolton.
3,406	2,429	945	32	71·3	27·7	1·0	Bradford.
1,942	1,902	37	3	98·0	2·0	- -	Burnley.
2,997	2,920	76	1	97·5	2·5	- -	Bury.
1,653	1,613	40	- -	97·6	2·4	- -	Chorley.
2,024	1,716	304	4	84·4	15·0	0·6	Chorlton.
1,027	1,013	13	1	98·6	1·3	- -	Clitheroe.
1,836	1,743	92	1	95·0	5·0	- -	Dewsbury.
724	701	18	5	96·8	2·5	0·7	Ecclesall Bierlow.
658	644	14	- -	98·0	2·0	- -	The Fylde.
626	626	- - -	- -	100·0	- -	- -	Garstang.
3,262	3,228	33	1	99·0	1·0	- -	Halifax.
1,039	1,014	23	2	97·6	2·2	0·2	Haslingden.
3,317	3,218	91	8	97·0	2·7	0·3	Huddersfield.
2,915	2,631	277	7	90·2	9·5	0·3	Keighley.
1,163	1,141	22	- -	98·1	1·9	- -	Lancaster.
3,674	3,211	435	28	87·4	11·8	0·8	Leeds.
859	831	28	- -	96·8	3·2	- -	Leigh.
4,150	9,424	4,411	315	66·6	31·2	2·2	Liverpool.
9,507	5,786	3,654	67	60·9	38·4	0·7	Manchester.
1,789	1,779	9	1	99·5	0·5	- -	North Bierley.
1,634	1,587	47	- -	97·1	2·9	- -	Oldham.
800	788	12	- -	98·5	1·5	- -	Ormskirk.
387	382	5	- -	98·7	1·3	- -	Pateley Bridge.
391	390	1	- -	99·7	0·3	- -	Penistone.
1,349	1,197	152	- -	88·7	11·3	- -	Prescot.
4,189	3,776	381	32	90·1	9·1	0·8	Preston.
437	431	26	- -	94·3	5·7	- -	Prestwich.
1,892	1,851	41	- -	97·8	2·2	- -	Rochdale.
1,360	1,353	4	3	99·5	0·3	0·2	Rotherham.
317	317	- - -	- -	100·0	- -	- -	Saddleworth.
2,169	1,914	243	12	88·2	11·2	0·6	Salford.
644	634	10	- -	98·4	1·6	- -	Settle.
3,488	3,293	185	10	94·4	5·3	0·3	Sheffield.
1,801	1,785	12	4	99·1	0·7	0·2	Skipton.
1,672	1,473	198	1	88·2	11·8	- -	Stockport.
1,124	1,120	4	- -	99·6	0·4	- -	Todmorden.
1,861	1,822	37	2	98·0	2·0	- -	Wakefield.
1,161	1,128	31	2	97·3	2·7	- -	Warrington.
4,213	3,254	843	116	77·2	20·1	2·7	West Derby.
3,250	2,828	422	- -	87·0	13·0	- -	Wigan.
551	549	2	- -	99·7	0·3	- -	Wortley.
102,901	88,261	13,940	700	85·8	13·5	0·7	Totals.

The total population of the above 46 Unions in 1851 was - - - 3,136,749.

The total pauperism (102,901) on population gives a per-centage of - - - 3·3.

This per-centage on population is as follows, viz.:

English - - - - - -	2·8
Irish and Scotch - - - - -	0·5
	3·3

TABLE (A.)—MANCHESTER DISTRICT—*continued.*

TABLE showing the CLASSIFICATION of the IN-DOOR and OUT-DOOR PAUPERS included in the foregoing TABLE.

IN-DOOR PAUPERS.					OUT-DOOR PAUPERS.					GRAND TOTAL OF IN-DOOR AND OUT-DOOR PAUPERS.				
Adults not Able-bodied.	Adults Able-bodied.	Children.	TOTAL.	Idiots in Workhouses included in the foregoing Columns.	Adults not Able-bodied.	Adults Able-bodied.	Children.	TOTAL.	Lunatics in Asylums.	Total Adults, not Able-bodied.	Total Adults, Able-bodied.	Total Children.	Grand Total.	Total Number of Idiots and Lunatics.
7,267 or 47·2 per cent.	1,847 or 12 per cent.	6,274 or 40·8 per cent.	15,388	1,080 or 7 per cent.	33,291 or 38 per cent.	16,453 or 18·8 per cent.	37,769 or 43·2 per cent.	87,513	1,876 or 2·2 per cent.	40,558 or 39·4 per cent.	18,300 or 17·8 per cent.	44,043 or 42·8 per cent.	102,901	2,956 or 2·8 per cent.
On the Total Number of In-door Paupers.					On the Total Number of Out-door Paupers.					On the Grand Total of In-door and Out door Paupers.				

TABLE (B.)

TABLE showing the Number of IN-DOOR and OUT-DOOR PAUPERS Relieved in the MANCHESTER DISTRICT on the 1st day of April 1854, classified nationally; together with the Cost of the Relief granted to such Paupers, both in the Workhouses and in Out-door Relief; also the Per-Centage of English, Irish, and Scotch Pauperism, and the average Cost of their Relief in the Pound on the Net Rateable Value of Property Assessed to the Poor within the District.

Country to which the Paupers respectively belong.	RELIEF TO IN-DOOR PAUPERS. Number of In-door Paupers.	RELIEF TO IN-DOOR PAUPERS. Cost of In-Maintenance, at 5*l.* 10*s.* 5*d.* Each Person.	Country to which the Paupers respectively belong.	RELIEF TO OUT-DOOR PAUPERS. Number of Out-door Paupers.	RELIEF TO OUT-DOOR PAUPERS. Cost of Out Relief, at 3*l.* 11*s.* 5⅝*d.* Each Person.	Country to which the Paupers respectively belong.	Total Number of Paupers, both In-door and Out-door, and the Total Cost of their Relief. Total Number of In-door and Out-door Paupers.	Total Number of Paupers, both In-door and Out-door, and the Total Cost of their Relief. Total Cost of In-maintenance and Out-door Relief.	Average Cost of Relief to the Paupers of each Country in the Pound on the Total Net Rateable Value of Property in the Manchester District. Per-Centage of Pauperism.	Average Cost of Relief to the Paupers of each Country in the Pound on the Total Net Rateable Value of Property in the Manchester District. Rate in the Pound.
		£. *s.* *d.*			£. *s.* *d.*			£. *s.* *d*		£. *s.* *d.*
England - - - - -	12,242	67,586 – 10	England - -	76,019	271,649 2 11	England - -	88,261	339,235 3 9	85·8	– – 9
Ireland - - - - -	3,025	16,700 10 5	Ireland - -	10,915	39,004 1 5	Ireland - -	13,940	55,704 11 10	13·5	– – 1 3/8
Scotland - - - - -	121	668 – 5	Scotland - -	579	2,069 – 5	Scotland - -	700	2,737 – 10	0·7	– – – 1/8
Total number of In-door Poor in England, Ireland, and Scotland.	15,388 or 14·2 per cent. on the total number of paupers relieved.	84,954 11 8 or 2 ¼ *d.* in the pound on the value of property within the Manchester District.	Total Number of Out-door Poor in England, Ireland, and Scotland.	87,513 or 85·8 per cent. on the total number of paupers relieved.	312,722 4 9 or 8 ¼ *d.* in the pound on the value of property within the Manchester District.	Grand Total of In-door and Out-door Poor in England, Ireland, and Scotland.	102,901	397,676 16 5 or 10 ½ *d.* in the pound on the value of property within the Manchester District.	100·0	– – 10½ *d.* in the pound on the value of property within the Manchester District.

	£. *s.* *d.*	*s.* *d.*
Total Cost of "In maintenance" and "Out-door Relief" to Paupers in the Manchester District, for a Year as above - - -	397,676 16 5	or – 10 ½ in the Pound on the Value of Property in the District.
Total Cost of "all other Outlay" for Union purposes in the Manchester District, for a Year - - - - - - - -	142,213 7 9	or – 3 ¾ in the Pound on the Value of Property in the District.
TOTAL Annual Expenditure for the District - - - £.	539,890 4 2	or 1 2 ¼ in the Pound on the Value of Property in the District.

PARISH OF LIVERPOOL.

TABLE showing the Number of PAUPERS Removed Annually from *Liverpool* to *Ireland* and *Scotland*.

TOTAL NUMBER of IRISH PAUPERS Removed from *Liverpool* to *Ireland* Annually.

During the Year ended Christmas,	Total Number of Paupers Removed to Ireland Annually.	Number of these Irish Paupers who had not resided in Liverpool One Year.	Average Annual Cost of removing Irish Paupers from Liverpool to Ireland, at 5 *s.* each.
			£. *s.* *d.*
1847	15,000	-	3,750 – –
1850	7,627	7,160	1,906 15 –
1851	7,808	7,374	1,952 – –
1852	5,506	5,095	1,376 10 –
1853	4,503	4,193	1,125 15 –
1854 (part of)	4,545	-	1,136 5 –
TOTALS	44,989	-	11,247 5 –

TOTAL NUMBER of SCOTCH PAUPERS Removed from *Liverpool* to *Scotland* Annually.

During the Year ended Christmas,	Total Number of Paupers Removed to Scotland Annually.
1850	463
1851	406
1852	483
1853	445
1854 (part of)	308
TOTAL	2,105

GRAND TOTAL of IRISH and SCOTCH PAUPERS Removed from *Liverpool* Annually.

During the Year ended Christmas,	Total Number of Irish and Scotch Paupers Removed from Liverpool Annually.
1847	15,000
1850	8,090
1851	8,214
1852	5,989
1853	4,948
1854 (part of)	4,853
TOTAL	47,094

MEMORANDUM.

About five in each thousand Irish paupers removed return. (Street beggars.)

The great majority removed had not resided one year in England.

Not more than one English case of removal from Liverpool in two years.

All the Irish removals are made at the request of the Irish themselves. In the last two years one person objected. All are tested in the vagrancy wards.

Irish resident in Liverpool are rarely removed.

The average cost of removing an Irish pauper is 5 *s.* or 6 *s.*

Fare by vessel for Dublin was 1 *s.*

„ is now 4 *s.* No competition now.

TABLE (D).—PORT OF LIVERPOOL.

TABLE showing the Numbers of SHIP PASSENGERS who arrived at *Liverpool* from *Ireland* during the Years 1853–54 and 1854–55.

WEEK ended FRIDAY.	Number of Deck Passengers.		Number of Pauper Passengers.		Total Number of Passengers.		WEEK ended FRIDAY.	Number of Deck Passengers.		Number of Pauper Passengers.		Total Number of Passengers.		Decrease in the Number of Pauper Passengers in 1854–55, as compared with 1853–54.		
	Per Week.	Per Month.	Per Week.	Per Month.	Per Week.	Per Month.		Per Week.	Per Month.	Per Week.	Per Month.	Per Week.	Per Month.	Per Week.	Per Month.	Per-centage per Month.
1853:							1854:									
4 February	1,732		794		2,526		3 February	1,280		221		1,501		573		
11 „	2,811		1,061		3,872		10 „	1,791		268		2,059		793		
18 „	2,288		565		2,853		17 „	2,467		328		2,795		237		
25 „	2,382	9,213	664	3,084	3,046	12,297	24 „	1,963	7,501	434	1,251	2,397	8,752	230	1,833	59·4
4 March	2,858		1,034		3,892		3 March	3,622		567		4,189		467		
11 „	3,485		1,037		4,522		10 „	3,084		507		3,591		530		
18 „	4,493		826		5,319		17 „	4,077		428		4,505		398		
25 „	4,364		613		4,977		24 „	2,698		384		3,082		220		
							31 „	3,767	17,248	663	2,549	4,430	19,797	124	1,748	40·7
1 April	3,245	18,445	787	4,297	4,032	22,742										
8 „	4,654		1,167		5,821		7 April	4,964		289		5,253		878		
15 „	5,039		1,647		6,686		14 „	4,631		120		4,751		1,527		
22 „	4,311		1,938		6,249		21 „	3,302		240		3,542		1,698		
29 „	4,505	18,509	2,047	6,799	6,552	25,308	28 „	4,268	17,165	91	740	4,359	17,905	1,956	6,059	89·1
6 May	4,939		1,424		6,363		5 May	3,154		217		3,371		1,207		
13 „	4,373		1,917		6,290		12 „	4,709		61		4,770		1,856		
20 „	6,497		2,667		9,164		19 „	5,436		109		5,545		2,558		
27 „	4,679	20,488	2,371	8,379	7,050	28,867	26 „	4,745	18,044	76	463	4,821	18,507	2,295	7,916	94·5
3 June	3,858		2,406		6,264		2 June	3,615		84		3,699		2,322		
10 „	4,392		2,485		6,877		9 „	4,163		71		4,234		2,414		
17 „	3,036		3,494		6,530		16 „	4,268		40		4,308		3,454		
24 „	4,498		7,190		11,688		23 „	4,512		77		4,589		7,113		
							30 „	6,904	23,462	63	335	6,967	23,797	11,275	26,578	98·8
1 July	4,524	20,308	11,338	26,913	15,862	47,221										
8 „	3,058		2,970		6,028		7 July	7,558		99		7,657		2,871		
15 „	2,916		1,347		4,263		14 „	4,448		93		4,541		1,254		
22 „	3,141		1,321		4,462		21 „	3,650				3,650		1,321		
29 „	2,463	11,578	1,576	7,214	4,039	18,792	28 „	3,117	18,773	26	218	3,143	18,991	1,550	6,096	97·0
5 August	4,062		1,988		6,050		4 August	3,110		58		3,168		1,930		
12 „	5,260		2,853		8,113		11 „	4,283		185		4,468		2,668		
19 „	3,088		1,165		4,253		18 „	2,588		68		2,656		1,097		
26 „	4,206	16,616	1,072	7,078	5,278	23,694	25 „	2,268	12,249	56	367	2,324	12,616	1,016	6,711	94·8
2 September	3,568		891		4,459		1 September	2,545		73		2,618		818		
9 „	3,630		840		4,470		8 „	2,740		49		2,789		791		
16 „	3,510		557		4,067		15 „	2,609		69		2,678		488		
23 „	3,664		680		4,344		22 „	1,845		96		1,941		584		
30 „	2,495	16,867	236	3,204	2,731	20,071	29 „	2,306	12,045	25	312	2,331	12,357	211	2,892	90 3

7 October	2,963	- -	396	- -	3,359		6 October	2,623	- -	60	- -	2,683	- -	336		
14 „	4,322	- -	247	- -	4,569		13 „	2,794	- -	71	- -	2,865	- -	176		
21 „	2,596	- -	367	- -	2,963		20 „	2,457	- -	27	- -	2,484	- -	340		
28 „	2,034	11,915	275	1,285	2,309	13,200	27 „	2,215	10,089	47	205	2,262	10,294	228	1,080	84·0
4 November	2,198	- -	346	- -	2,544		3 November	1,333	- -	11	- -	1,344	- -	335		
11 „	1,907	- -	224	- -	2,131		10 „	2,181	- -	68	- -	2,249	- -	156		
18 „	2,336	- -	199	- -	2,535		17 „	1,953	- -	31	- -	1,984	- -	168		
25 „	1,579	8,020	160	929	1,739	8,949	24 „	1,704	7,171	41	151	1,745	7,322	119	778	83·7
2 December	1,650	- -	347	- -	1,997		1 December	792	- -	- -	- -	792	- -	347		
9 „	1,158	- -	270	- -	1,428		8 „	1,207	- -	21	- -	1,228	- -	249		
16 „	961	- -	186	- -	1,147		15 „	800	- -	11	- -	811	- -	175		
23 „	629	- -	206	- -	835		22 „	938	- -	35	- -	973	- -	171		
30 „	743	5,141	119	1,128	862	6,269	29 „	326	4,063	21	88	347	4,151	98	1,040	92·2
1854:							1855:									
6 January	534	- -	115	- -	649		5 January	1,051	- -	66	- -	1,117	- -	49		
13 „	709	- -	152	- -	861		12 „	1,194	- -	35	- -	1,229	- -	117		
20 „	1,036	- -	251	- -	1,287		19 „	1,070	- -	- -	- -	1,070	- -	251		
27 „	1,035	3,314	203	721	1,238	4,035	26 „	1,022	4,337	40	141	1,062	4,478	163	580	80·5
3 February	1,280	- -	221	- -	1,501		2 February	851	- -	81	- -	932	- -	140		
10 „	1,791	- -	268	- -	2,059		9 „	631	- -	14	- -	645	- -	254		
17 „	2,467	- -	328	- -	2,795		16 „	1,060	- -	46	- -	1,106	- -	282		
24 „	1,963	7,501	434	1,251	2,397	8,752	23 „	467	3,009	27	168	494	3,177	407	1,083	86·5
3 March	3,622	- -	567	- -	4,189		2 March	639	- -	125	- -	764	- -	442		
10 „	3,084	- -	507	- -	3,591		9 „	1,250	- -	121	- -	1,371	- -	386		
17 „	4,077	- -	428	- -	4,505		16 „	1,823	- -	65	- -	1,888	- -	363		
24 „	2,698	- -	384	- -	3,082		23 „	1,226	- -	34	- -	1,260	- -	350		
31 „	3,767	17,248	663	2,549	4,430	19,797	30 „	1,574	6,512	33	378	1,607	6,890	630	2,171	85·5
TOTALS	185,163	185,163	74,831	74,831	259,994	259,994	TOTALS	161,668	161,668	7,366	7,366	169,034	169,034	67,465	67,465	90·2
	or 71·2 per cent. on the total number of passengers.		or 28·8 per cent. on the total number of passengers.					or 95·6 per cent. on the total number of passengers.		or 4·4 per cent. on the total number of passengers.				or 90·2 per cent. decrease.		

SUMMARY OF THE ABOVE TABLES.

The Total Number of "Deck Passengers" in 1853-54 was		185,163
The Total Number of "Deck Passengers" in 1854-55 was		161,668
	Decrease	23,495 or 12·7 per cent.
The Total Number of "Pauper Passengers" in 1853-54 was		74,831
The Total Number of "Pauper Passengers" in 1854-55 was		7,366
	Decrease	67,465 or 90·2 per cent.
The Total Number of Passengers in 1853-54 was		259,994
The Total Number of Passengers in 1854-55 was		169,034
	Decrease	90,960 or 35 per cent.

Appendix, No. 5.

PARISH OF LIVERPOOL.

TABLE showing the Number of VAGRANTS relieved in each Week of the June Quarter 1854.

WEEK of the QUARTER.	Total Number of Vagrants Relieved in each Week of the June Quarter 1854.	Number of English Vagrants.	Number of Irish Vagrants.	Number of Vagrants from all other Places, including Scotch and Aliens.
1854:				
June 1 - -	701	262	289	150
„ 2 - -	589	278	213	98
„ 3 - -	629	329	223	77
„ 4 - -	632	321	274	37
„ 5 - -	761	390	294	77
„ 6 - -	766	379	318	69
„ 7 - -	634	314	258	62
„ 8 - -	799	338	367	94
„ 9 - -	857	407	374	76
„ 10 - -	872	352	464	56
„ 11 - -	853	336	453	64
„ 12 - -	822	443	290	89
„ 13 - -	808	387	358	63
TOTALS - - -	9,723	4,536 or 46·6 per cent.	4,175 or 42·9 per cent.	1,012 or 10·5 per cent.

TABLE (F).—TOWNSHIP OF MANCHESTER.

TABLE showing the Number of Paupers Removed Annually from *Manchester* to *Ireland*.

Total Number of Irish Paupers Ordered to be Removed, and those Actually Removed from Manchester to Ireland Annually.

During the Year ended Lady-day	Total Number of Irish Poor Ordered to be Removed from Manchester to Ireland Annually.	Number of Irish Poor Ordered to be Removed from Manchester to Ireland, but who were not so Removed.	Total Number of Irish Poor Actually Removed from Manchester to Ireland each Year.						Average Annual Cost of Removing Irish Paupers from Manchester to Ireland, at 10 *s.* 10½ *d.* each.	
			Number of Irish Poor Actually Removed Annually.	Number of these who had Resided under 1 Year.	Number who had Resided under 2 Years.	Number who had Resided under 3 Years.	Number who had Resided under 4 Years.	Number who had Resided under 5 Years.		£. s. d.
1852 - - -	2,160	1,823	337	- -	- -	- -	- -	- -	1852	183 4 10½
1853 - - -	1,515	1,153	362	- -	- -	- -	- -	- -	1853	190 16 9
1854 - - -	1,336	882	454	283	66	57	27	21	1854	246 17 3
Totals - -	5,011	3,858	1,153	- -	- -	- -	- -	- -	- -	626 18 10½

Number of Passes issued in each Year.	
1845 -	172
1846 -	186
1847 -	1,050
1848 -	500
1849 -	300
1850 -	250
1851 -	250
1852 -	260
1853 -	210
Total -	3,178

Average Cost of the Removal of One Person, viz.:

	s.	*d.*	
Pass - - -	2	9	(Each pass costs 5 *s.* 6 *d.*, but contains two on an average).
Rail - - -	2	7½	
Vessel - - -	3	–	
Relief - - -	1	6	
Buss - - -	–	6	
Refreshment -	–	6	
Total - - -	10	10½	

Memorandum.—In the years 1851, 1852, 1853 and 1854, there were removed from Manchester 1,553 Irish, or an average of 388 Irish paupers per annum; and 85 Scotch, or an average of 21 Scotch paupers per annum.
In the years 1851, 1852, 1853 and 1854, there were removed from Manchester 1,003 English and Welsh, or an average of 251 paupers per annum.

VAGRANCY.

	Irish.	English.	Scotch.	Welsh.	Total.
1853 - - - - - -	5,249	4,473	647	108	10,477
1854 - - - - - -	3,518	3,292	388	64	7,262
Vagrants in 1854, from 1st January to 22d April - - - -	834	1,001	70	19	1,924
Vagrants in Summer and Winter:					
In April and May 1851 - - -	1,721	951	142	- - -	2,814
In December and January 1851 -	915	824	76	- - -	1,815

Decrease of Vagrancy in 1854 as compared with 1853.

Irish.	English.	Scotch.	Welsh.	Total.
1,731 or 33 per cent.	1,181 or 26·4 per cent.	259 or 40 per cent.	44 or 40·7 per cent.	3,215 or 30·7 per cent.

TABLE (G).—BRADFORD UNION.

TABLE showing the Number of PAUPERS removed Annually from *Bradford* Union to *Ireland*.

During the Year ended Lady day	Total Number of Irish Paupers removed from Bradford Union to Ireland, annually.	OBSERVATIONS.
1848 - - -	178	One relieving officer only kept account of the length of residence of the Irish.
1849 - - -	124	
1850 - - -	54	
1851 (No Return)	—	He says, that of 50 removed by him or the Overseer;
1852 - - -	127	24 resided under one year.
1853 - - -	44	7 resided under two years.
1854 - - -	123	25 resided above two years.
TOTAL - - -	650 (or 108 per ann.)	56

VAGRANCY.

Year ended Lady-day	Total Number of Irish Vagrants Relieved in each Year.	Total Number of English Vagrants Relieved in each Year.	Total Number of Vagrants Relieved in each Year.
1852 - - -	838	543	1,381
1853 - - -	353	198	551
1854 - - -	593	500	1,093
TOTALS - - -	1,784	1,241	3,025

The following Table shows the Number of English Paupers Removed from Bradford Union annually.

During the Year ended Lady-day	Total Number of English Paupers Removed from Bradford annually.
1851 - - -	146
1852 - - -	86
1853 - - -	76
1854 - - -	88
TOTAL - - -	396 (or 99 per ann.)

TABLE (H).—TOWNSHIP OF LEEDS.

TABLE showing the Number of PAUPERS removed annually from *Leeds* to *Ireland*.

The total number of Irish paupers passed from Leeds to Ireland in two years ended Lady-day 1854, from the relieving officers' books - - - - - - 155.

Number of these who had been in England one year or less - - -	53
Number who had been in England two years or less - - - - -	47
Number who had been in England above two years - - - - -	55
TOTAL - - -	155

Of these 155 paupers, 27 returned to Leeds after removal.

The total number of Scotch paupers passed from Leeds to Scotland in two years, ended Lady-day 1854, was - - - - - - - - - - - 15.

The following Table shows the number of English Paupers actually removed from Leeds, annually.

During the Year ended Lady-day	Total Number of English Paupers Removed from Leeds, annually.
1851 - - - - - - - -	160
1852 - - - - - - - -	211
1853 - - - - - - - -	212
1854 - - - - - - - -	146
TOTAL - - -	729, or 182 per annum.

TABLE (I).—No. 1.—PARISH OF LIVERPOOL.

TABLE showing Irish Pauperism and its Cost.

Population of Liverpool and West Derby in 1851.	Estimated Roman-catholic Population of these Two Places.	Estimated Number of this Roman-catholic Population being Irish Labourers.	Total Pauperism of Liverpool in the First Week of the June Quarter 1854 (Week ended 1 April 1854), exclusive of Vagrants.	Number of Irish Paupers included in the foregoing Column.	Per-Centage of Irish Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door.	Average Cost, per Head, per Annum, of an In-door Pauper in Liverpool.	Total Cost of the Irish In-door Paupers in Liverpool.	Number of Irish Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Liverpool.	Total Cost of Irish Out-door Paupers in Liverpool.	Total Cost of the Irish Paupers, both In-door and Out door, for the Year, in Liverpool.
407,418	75,000	50,000	14,150	4,411	31·2	66·6	1,115	£. s. d. 5 10 7½	£. s. d. 6,167 6 10½	3,296	£. s. d. 3 1 7¾	£. s. d. 10,159 4 8	£. s. d. 16,326 11 6½ or 3⅝ d. in the £. on the rateable value of property in Liverpool.

TABLE showing Scotch Pauperism and its Cost.

Population of Liverpool and West Derby in 1851.	Estimated Roman-catholic Population of these Two Places.	Estimated Number of this Roman-catholic Population being Irish Labourers.	Total Pauperism of Liverpool in the First Week of the June Quarter 1854 (Week ended 1 April 1854), exclusive of Vagrants.	Number of Scotch Paupers included in the foregoing Column.	Per-Centage of Scotch Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door.	Average Cost, per Head, per Annum, of an In-door Pauper in Liverpool.	Total Cost of the Scotch In-door Paupers in Liverpool.	Number of Scotch Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Liverpool.	Total Cost of Scotch Out-door Paupers in Liverpool.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year, in Liverpool.
407,418	75,000	50,000	14,150	315	2·2	66·6	44	£. s. d. 5 10 7½	£. s. d. 243 7 6	271	£. s. d. 3 1 7¾	£. s. d. 835 6 −¼	£. s. d. 1,078 13 6¼ or ¼ d. in the £. on the value of property.

TOTAL Cost of Irish and Scotch Poor, £. 17,405. 5. −¾.; or 3⅞ d. in the £. on the Rateable Value of Property in Liverpool.

Memorandum.—All calculations above (with the exception of the three first columns) contain the pauperism, and its cost, of Liverpool alone. The Irish population of both Liverpool and West Derby are introduced to show the working Irish population available for this port.

ENGLISH PAUPERISM, AND ITS COST.

		£. s. d.
Number of In-door -	2,358	Cost, 13,042 13 9
Number of Out-door -	7,066	Cost, 21,779 9 5½
Total English -	9,424	£. 34,822 3 2½ or 7⅞ d. in the £. on the value of property.

Cost of Irish - - -	3⅝ d. in the £.
Cost of Scotch - - -	−¼ d. „
Cost of English - - -	7⅞ d. „
	11⅝ d. „
TOTAL - - -	£. 52,227 8 3¼.

The Table underneath shows—

NAME of UNION.	Population in 1851.	Total Pauperism of each Union in the Week ended 1 April 1854.	Total Number of English Paupers in each Union included in the foregoing Column.	Total Number of Irish Paupers in each Union included in the foregoing Column.	Total Number of Scotch Paupers in each Union included in the foregoing Column.	The Per-centage of each Class of Poor on the Total Pauperism.		
						English.	Irish.	Scotch.
Liverpool -	254,175	14,150	9,424	4,411	315	66·6	31·2	2·2
West Derby -	153,243	4,213	3,254	843	116	77·2	20·1	2·7

The total population of Liverpool and West Derby, as above, is - - - -	407,418.
The estimated number of Irish residing within these two places - - - - -	50,000.
This gives a per-centage of Irish population of - -	12·3.
And a per-centage of English population of - - -	87·7.

Note.—If we fix the total Irish population of Liverpool and West Derby at 50,000, and divide it by 5,254, the total number of Irish paupers in these two unions, it gives a per-centage of Irish pauperism on Irish population of 10·5; or 10½ of every 100 Irish residents are paupers.

Fixing the remainder of the population of these two places (viz. 357,418) as wholly English, and divide it by 12,678, the total number of English paupers in these two unions, it gives a per-centage of English pauperism on English population of 3·6. The total population of the district is 3,136,749, and the total pauperism for the week ended 1 April 1854, was 102,901, or 3 3 per cent. paupers on population; of which the English poor were 2·8 per cent.; and Irish and Scotch poor were 0·5 per cent.

TABLE (K).—No. 2.—TOWNSHIP OF MANCHESTER.

TABLE showing Irish Pauperism, and its Cost.

Population of Manchester, Chorlton, and Salford, in 1851.	Estimated Roman-catholic Population of these Three Places.	Estimated Number of this Roman-catholic Population being Irish Labourers.	Total Pauperism of Manchester in the first Week of the June Quarter 1854 (Week ended 1st April 1854), exclusive of Vagrants.	Number of Irish Paupers included in the foregoing Column.	Per-Centage of Irish Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door.	Average Cost per Head, per Annum, of an In-door Pauper in Manchester.	Total Cost of the Irish In-door Paupers in Manchester.	Number of Irish Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Manchester.	Total Cost of Irish Out-door Paupers in Manchester.	Total Cost of the Irish Paupers, both In-door and Out-door, for the Year, in Manchester.
398,307	70,000	46,000	9,507	3,654	38·4	60·9	831	£. s. d. 4 19 3½	£. s. d. 4,125 11 4½	2,823	£. s. d. 4 – 7½	£. s. d. 11,380 4 4¼	£. s. d. 15,505 15 8¾ or 5½ d. in the £. on the rateable value of property.

TABLE showing Scotch Pauperism and its Cost.

Population of Manchester, Chorlton, and Salford, in 1851.	Estimated Roman-catholic Population of these Three Places.	Estimated Number of this Roman-catholic Population, being Irish Labourers.	Total Pauperism of Manchester in the First Week of the June Quarter 1854 (Week ended 1st April 1854), exclusive of Vagrants.	Number of Scotch Paupers included in the foregoing Column.	Per-Centage of Scotch Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door.	Average Cost, per Head, per Annum, of an In-door Pauper in Manchester.	Total Cost of the Scotch In-door Paupers in Manchester.	Number of Scotch Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Manchester.	Total Cost of Scotch Out-door Paupers in Manchester.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year, in Manchester.
398,307	70,000	46,000	9,507	67	0·7	60·9	15	£. s. d. 4 19 3½	£. s. d. 74 9 4½	52	£. s. d. 4 – 7½	£. s. d. 209 12 6	£. s. d. 284 1 10½ or ½ d. in the £. on the rateable value of property.

TOTAL Cost of Irish and Scotch Poor is, £. 15,789. 17. 7½, or, 5⅝ d. in the £. on the Rateable Value of Property in Manchester.

Memorandum.—All calculations above (with the exception of the three first columns) contain the pauperism, and its cost, of Manchester alone. The Irish population of Manchester, Chorlton, and Salford are introduced to show the working Irish population available for Manchester.

ENGLISH PAUPERISM, AND ITS COST.

Number of In-door	1,535	Cost, £. 7,620 14 2½
Number of Out-door	4,251	Cost, £. 17,136 16 10½
TOTAL English	5,786	£. 24,757 11 1 or 8¾ d. in the £. on the value of property.

Cost of Irish	5½ d. in the £.
Cost of Scotch	– ½ d. „
Cost of English	8¾ d. „
	1 2⅛ d. „

TOTAL £. 40,547 8 8¼.

The Table underneath shows—

NAME of UNION.	Population in 1851.	Total Pauperism of each Union in the Week ended 1 April 1854.	Total Number of English Paupers in each Union included in the foregoing Column.	Total Number of Irish Paupers in each Union included in the foregoing Column.	Total Number of Scotch Paupers in each Union included in the foregoing Column.	The Per-centage of each Class of Poor on the Total Pauperism. English.	Irish.	Scotch.
Manchester	186,987	9,507	5,786	3,654	67	60·9	38·4	0·7
Chorlton	123,806	2,024	1,716	304	4	84·4	15·0	0·6
Salford	87,514	2,169	1,914	243	12	88·2	11·2	0·6

The total population of Manchester, Chorlton, and Salford, as above, is – – 398,307.

The estimated number of Irish residing within these three places – – – – 46,000.

This gives a per-centage of Irish population of – – 11·5.

And a per-centage of English population of – – – 88·5.

Note.—If we fix the total Irish population of Manchester, Chorlton, and Salford at 46,000, and divide it by 4,201, the total number of Irish paupers in these three unions, it gives a per-centage of Irish pauperism on Irish population of 9·1.

Fixing the remainder of the population of these three places (viz. 352,307) as wholly English, and divide it by 9,416, the number of English paupers in these three unions, it gives a per-centage of English pauperism on English population of 2·7.

TABLE (L).—No. 8.—BRADFORD UNION.

TABLE showing Irish Pauperism and its Cost.

Population of Bradford Union in 1851.	Total Pauperism of Bradford Union in the First Week of June Quarter 1854 (Week ended 1st of April 1854), exclusive of Vagrants.	Number of Irish Paupers included in the foregoing Column.	Per-Centage of Irish Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door.	Average Cost, per Head, per Annum, of an In-door Pauper in Bradford.	Total Cost of the Irish In-door Paupers in Bradford.	Number of Irish Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Bradford.	Total Cost of Irish Out-door Paupers in Bradford.	Total Cost of the Irish Paupers, both In-door and Out door, for the Year, in Bradford.
						£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.
103,786	3,406	945	27·7	71·3	101	8 1 1	813 9 5	844	4 19 –	4,177 16 –	4,991 5 5 or 5 $\frac{1}{8}$ d. in the £. on the rateable value of property.

TABLE showing Scotch Pauperism and its Cost.

Population of Bradford Union in 1851.	Total Pauperism of Bradford Union in the First Week of June Quarter 1854 (Week ended 1st of April 1854), exclusive of Vagrants.	Number of Scotch Paupers included in the foregoing Column.	Per-Centage of Scotch Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door.	Average Cost, per Head, per Annum, of an In-door Pauper in Bradford.	Total Cost of the Scotch In-door Paupers in Bradford.	Number of Scotch Paupers, Out-door.	Average Cost, per Head, per Annum, of an Out-door Pauper in Bradford.	Total Cost of Scotch Out-door Paupers in Bradford.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year, in Bradford.
						£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.
103,786	3,406	32	1·0	71·3	1	8 1 1	8 1 1	31	4 19 –	153 9 –	161 10 1 or $\frac{1}{8}$ of a penny in the £. on the rateable value of property.

TOTAL Cost of Irish and Scotch Poor is - £. 5,152. 15. 6., or 5 $\frac{3}{4}$ d. in the £. on the Rateable Value of Property in Bradford.

ENGLISH PAUPERISM, AND ITS COST.

Number of In-door - - -	265	Cost -	£. 2,134 7 1
Number of Out-door - - -	2,164	Cost -	10,711 16 –
TOTAL English - -	2,429		£. 12,846 3 1 or 1 s. 2 $\frac{1}{2}$ d. in the £. on the value of property.

Cost of Irish - - - -	5 $\frac{5}{8}$ d. in the £.
Cost of Scotch - - - -	$\frac{1}{8}$ d. „
Cost of English - -	1 2 $\frac{1}{2}$ d. „
	1 8 $\frac{1}{4}$ d. „
TOTAL - - -	£. 17,998. 18. 7.

TABLE (M).—No. 4.—TOWNSHIP OF LEEDS.

TABLE showing Irish Pauperism and its Cost.

Population of Leeds in 1851.	Total Pauperism of Leeds in the First Week of June Quarter 1854 (Week ended 1st of April 1854), exclusive of Vagrants.	Number of Irish Paupers included in the foregoing Column.	Per-centage of Irish Poor on the Total Pauperism.	Per-centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door.	Average Cost per Head per Annum of an In-door Pauper in Leeds.	Total Cost of the Irish In-door Paupers in Leeds.	Number of Irish Paupers, Out-door.	Average Cost per Head per Annum of an Out-door Pauper in Leeds.	Total Cost of Irish Out-door Paupers in Leeds.	Total Cost of the Irish Paupers, both In-door and Out-door, for the Year, in Leeds.
101,331	3,674	435	11·8	87·4	51	£. s. d. 5 9 2	£. s. d. 278 7 6	384	£. s. d. 4 3 1 $\frac{3}{8}$	£. s. d. 1,595 16 –	£. s. d. 1,874 3 6 or 1 $\frac{3}{8}$ d. in the pound on the rateable value of property.

TABLE showing Scotch Pauperism and its Cost.

Population of Leeds in 1851.	Total Pauperism of Leeds in the First Week of June Quarter 1854 (Week ended 1st of April 1854), exclusive of Vagrants.	Number of Scotch Paupers included in the foregoing Column.	Per-centage of Scotch Poor on the Total Pauperism.	Per-centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door.	Average Cost per Head per Annum of an In-door Pauper in Leeds.	Total Cost of the Scotch In-door Paupers in Leeds.	Number of Scotch Paupers, Out-door.	Average Cost per Head per Annum of an Out-door Pauper in Leeds.	Total Cost of Scotch Out-door Paupers in Leeds.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year in Leeds.
101,331	3,674	28	0·8	87·4	9	£. s. d. 5 9 2	£. s. d. 49 2 6	19	£. s. d. 4 3 1 $\frac{3}{8}$	£. s. d. 78 19 2 $\frac{1}{8}$	£. s. d. 128 1 8 $\frac{1}{8}$ or $\frac{1}{8}$th of a penny in the pound on the rateable value of property.

TOTAL Cost of Irish and Scotch Poor is, £. 2,002 5. 2 $\frac{1}{8}$., or 1 $\frac{3}{4}$ d. in the £. on the Rateable Value of Property in Leeds.

ENGLISH PAUPERISM, AND ITS COST.

Number of In-door	389	Cost	£. 2,123 5 10
Number of Out-door	2,822	Cost	11,723 1 2
TOTAL English	3,211		£. 13,846 7 – or 1 s. 1 $\frac{1}{4}$ d. in the £. on the value of property.

	s. d.	
Cost of Irish	1 $\frac{3}{8}$	in the £.
Cost of Scotch	$\frac{1}{8}$	„
Cost of English	1 1 $\frac{1}{4}$	„
	1 3	„

TOTAL £. 15,848 12 2 $\frac{1}{8}$

TABLE (N).—No. 5.—WIGAN UNION.

TABLE showing Irish Pauperism and its Cost.

Population of the Wigan Union in 1851.	Total Pauperism of the Wigan Union in the First Week of the June Quarter 1854 (Week ended 1st April 1854), exclusive of Vagrants.	Number of Irish Paupers included in the foregoing Column.	Per-centage of Irish Poor on the Total Pauperism.	Per-centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door.	Average Cost per Head per Annum of an In-door Pauper in Wigan.	Total Cost of the Irish In-door Paupers in Wigan.	Number of Irish Paupers, Out-door.	Average Cost per Head per Annum of an Out-door Pauper in Wigan.	Total Cost of Irish Out-door Paupers in Wigan.	Total Cost of the Irish Paupers, both In-door and Out-door, for the Year, in Wigan.
77,545	3,250	422	13·0	87·0	77	£. s. d. 6 5 4¾	£. s. d. 482 15 5¾	345	£. s. d. 3 - 9¾	£. s. d. 1,049 - 3¾	£. s. d. 1,531 15 9½ or 1¾ d. in the pound on the rateable value of property.

TABLE showing Scotch Pauperism and its Cost.

Population of the Wigan Union in 1851.	Total Pauperism of the Wigan Union in the First Week of the June Quarter 1854 (Week ended 1st April 1854), exclusive of Vagrants.	Number of Scotch Paupers included in the foregoing Column.	Per-centage of Scotch Poor on the Total Pauperism.	Per-centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door.	Average Cost per Head per Annum of an In-door Pauper in Wigan.	Total Cost of the Scotch In-door Paupers in Wigan.	Number of Scotch Paupers, Out-door.	Average Cost per Head per Annum of an Out-door Pauper in Wigan.	Total Cost of Scotch Out-door Paupers in Wigan.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year, in Wigan.
77,545	3,250	—	—	—	—	—	—	—	—	—	—

ENGLISH PAUPERISM, AND ITS COST.

Number of In-door - - -	325	Cost - £. 2,037 13 7¾
Number of Out-door - - -	2,503	Cost - 7,610 13 8¼
TOTAL English - -	2,828	£. 9,648 7 4 or 11½ d. in the £. on the value of property.

Cost of Irish - - -	1¾ d. in the £.
Cost of Scotch - - -	—
Cost of English - -	11½ d. „
	1 s. 1¼ d. „
TOTAL - - -	£. 11,180 3 1½.

SUMMARY of Tables numbered 1, 2, 3, 4, and 5, showing IRISH and SCOTCH PAUPERISM, &c. &c.

	Number of Table.	NAME of PARISH or UNION.	Population in 1851.	Estimated Roman-catholic Population of each Union.	Estimated Number of this Roman-catholic Population being Irish Labourers.	Total Pauperism of each Union in the First Week of the June Quarter, 1854, (Week ended 1st of April 1854), exclusive of Vagrants.	Total Number of Irish Paupers in each Union, included in the foregoing Column.	Per-Centage of Irish Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Irish Paupers, In-door, in each Union.	Average Cost per Head, per Annum, of an In-door Pauper in each Union.	Total Cost of the Irish In-door Paupers in each Union.	Number of Irish Paupers, Out-door, in each Union.	Average Cost per Head, per Annum, of an Out-door Pauper in each Union.	Total Cost of the Irish Out-door Paupers in each Union.	Total Cost of the Irish Paupers, both In-door and Out-door, for the Year, in each Union.	TOTAL Cost of the English Paupers, both In-door and Out-door, for the Year, in each Union.
											£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	£. s. d.
IRISH SUMMARY.	1.	Liverpool (West Derby) -	407,418	75,000	50,000	14,150	4,411	31·2	66·6	1,115	5 10 7½	6,167 6 10½	3,296	3 1 7¾	10,159 4 8	16,326 11 6½	34,822 3 2½
	2.	Manchester (Chorlton and Salford) - - - -	398,307	70,000	46,000	9,507	3,654	38·4	60·9	831	4 19 3¼	4,125 11 4⅓	2,823	4 – 7½	11,380 4 4¼	15,505 15 8¾	24,757 11 1
	3.	Bradford - - - - -	103,786	- - -	- - -	3,406	945	27·7	71·3	101	8 1 1	813 9 5	844	4 19 –	4,177 16 –	4,991 5 5	12,846 3 1
	4.	Leeds - - - - - -	101,331	- - -	- - -	3,674	435	11·8	87·4	51	5 9 2	278 7 6	384	4 3 1⅜	1,595 16 –	1,874 3 6	13,846 7 –
	5.	Wigan - - - - -	77,545	- - -	- - -	3,250	422	13·0	87·0	77	6 5 4¾	482 15 5¾	345	3 – 9¾	1,049 – 3¾	1,531 15 9½	9,648 7 4
		TOTALS - - -	1,088,387	- - -	- - -	33,987	9,867	29·0	69·7	2,175	- - -	11,867 10 7¾	7,692	- - -	28,362 1 4	40,229 11 11¾ or 4 *d.* in the £. on the rateable value of property.	95,920 11 8½ or 9½ *d.* in the £. on the rateable value.

	Number of Table.	NAME of PARISH or UNION.	Population in 1851.	Estimated Roman-catholic Population of each Union.	Estimated Number of this Roman-catholic Population being Irish Labourers.	Total Pauperism of each Union in the First Week of the June Quarter, 1854, (Week ended 1st of April 1854), exclusive of Vagrants.	Total Number of Scotch Paupers in each Union, included in the foregoing Column.	Per-Centage of Scotch Poor on the Total Pauperism.	Per-Centage of English Poor on the Total Pauperism.	Number of Scotch Paupers, In-door, in each Union.	Average Cost, per Head, per Annum, of an In-door Pauper in each Union.	Total Cost of the Scotch In-door Paupers in each Union.	Number of Scotch Out-door Paupers in each Union.	Average Cost per Head, per Annum, of an Out-door Pauper in each Union.	Total Cost of the Scotch Out-door Paupers in each Union.	Total Cost of the Scotch Paupers, both In-door and Out-door, for the Year, in each Union.	
											£. s. d.	£. s. d.		£. s. d.	£. s. d.	£. s. d.	
SCOTCH SUMMARY.	1.	Liverpool (West Derby) -	407,418	75,000	50,000	14,150	315	2·2	66·6	44	5 10 7½	243 7 6	271	3 1 7¾	835 6 –¼	1,078 13 6¼	
	2.	Manchester (Chorlton and Salford) - - - -	398,307	70,000	46,000	9,507	67	0·7	60·9	15	4 19 3½	74 9 4½	52	4 – 7½	209 12 6	284 1 10½	
	3.	Bradford - - - - -	103,786	- - -	- - -	3,406	32	1·0	71·3	1	8 1 1	8 1 1	31	4 19 –	153 9 –	161 10 1	
	4.	Leeds - - - - - -	101,331	- - -	- - -	3,674	28	0·8	87·4	9	5 9 2	40 2 6	19	4 3 1⅜	78 19 2⅛	128 1 8⅛	
	5.	Wigan - - - - -	77,545	- - -	- - -	3,250	- - -	- - -	87·0	- - -	6 5 4¾	- - -	- - -	3 – 9¾	—	—	
		TOTALS - - -	1,088,387	- - -	- - -	33,987	442	1·3	69·7	69	- - -	375 – 5½	373	- - -	1,277 6 8⅜	1,652 7 1⅞	- or ⅛ of a penny in the £. on the value of property.
		GRAND TOTALS OF IRISH AND SCOTCH -	1,088,387	- - -	- - -	33,987	10,309	30·3	69·7	2,244	- - -	12,242 11 1¼	8,065	- - -	29,639 8 –¾	41,881 19 1⅛	

Grand TOTAL Cost of Irish, Scotch, and English Paupers, £. 137,802 10 *s.* 10½ *d.*, or 1 *s.* 1⅜ *d.* in the pound on the rateable value of property.

Average Cost in the £. on the Rateable Value of Property in the above Five Unions.

	s. *d.*	
Cost of Irish - - -	– 4	in the £.
Cost of Scotch - - -	– –⅛	„ „
Cost of English - - -	– 9⅛	„ „
Average of TOTAL - -	1 1⅛	in the £.

Note.—On reference to Table marked (A.) annexed, it will be found that the total number of Irish paupers relieved within the Manchester District during the week ended the 1st of April 1854, was 13,940.

Of this number there were 3,025 in-door, who at 5 *l.* 10 *s.* 5 *d.* per head per annum amount to £. 16,700 10 5
and 10,915 out-door, who at 3 *l.* 11 *s.* 5⅜ *d.* „ „ „ „ 39,004 1 5 } - - - - - - £. 55,704 11 10 - Total Annual Cost of Irish Poor, 1⅜ *d.* in the £.

13,940

The same Table (A.) shows that the total number of Scotch paupers relieved during the same period was 700.

Of this number there were - 121 in-door, who at 5 *l.* 10 *s.* 5 *d.* per head per annum amount to £. 668 – 5
and - 579 out-door, who at 3 *l.* 11 *s.* 5⅜ *d.* „ „ „ „ 2,069 – 5 } - - - - - - £. 2,737 – 10 - Total Annual Cost of Scotch Poor, ⅛ *d.* in the £.

700

The total numbers of Irish and Scotch were - 14,640 and their Total Annual Cost was - - - - - - - - - - - - - - - - - 58,441 12 8

The Total English Pauperism of the District was - 88,261 - { In-door - 12,242 - - Cost, £. 67,586 – 10 / Out-door - 76,019 - - Cost, 271,649 2 11 } Total Cost of English, 0*d.* in the £. - - £. 339,235 3 9 } - - £. 397,676 16 5 - - 10½ *d.* in the £.

Appendix, No. 6.

PAPERS furnished by *J. Darlington*, Esq., in reference to Questions 1403 to 1406.

RETURN showing the Occupations of the Inmates in the *Bradford* Union Workhouse for the 10th Week of the March Quarter 1855.

Men:		
General labourers	English	26
	Irish	7
Woolcombers	English	36
	Irish	11
Weavers	English	6
	Irish	—
Butcher	English	1
	Irish	—
Cordwainer	English	4
	Irish	—
Whitewashers	English	2
	Irish	—
Fishmonger	English	1
	Irish	—
Miners	English	2
	Irish	—
Engineer	English	1
	Irish	—
Dyers	English	2
	Irish	—
Moulders	English	1
	Irish	—
Warpdressers	English	2
	Irish	—
Hawkers	English	—
	Irish	2
Women:		
Domestic duties	English	51
	Irish	18
Weavers in factories	English	18
	Irish	14
Other workers in factories	English	9
	Irish	12
Hawker	English	—
	Irish	1
Milliners	English	3
	Irish	3
Children	English	98
	Irish	68
Total		399

	English.	Irish.
Total Number of Men	84	20
„ of Women	81	48
„ of Children	98	68
	263	136

Bradford, 26 March 1855. *John Darlington.*

Appendix, No. 6.

NUMBER and CONDITION of WOMEN in the *Bradford* Union Workhouse in the 10th Week of the March Quarter 1855.

TOTAL Number of Women in the Workhouse - -	English - 81 Irish - 48		129
Widows:			
Without Families - - - - - - -	English - 14 Irish - 7		21
With Families - - - - - - - -	English - 8 Irish - 2		10
Deserted Women:			
Without Families - - - - - - -	English - 2 Irish - 3		5
With Families - - - - - - - -	English - 13 Irish - 8		21
Married Women (Husbands in the House) - -	English - 2 Irish - –		2
Women never Married - - - - -	English - 42 Irish - 28		70

Bradford, 26 March 1855.

John Darlington.

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2. *Anticipated Influx of Irish if Irremovable:*

Apprehended influx of Irish poor to England if irremovable thence, *Corder* 48 *et seq.*; *Ingham* 2162. 2235–2240——Attraction to Irish poor in the large amount of out-door relief given in England, *Grey* 464–467. 685; *Hall* 1867–1870. 1878; *Farnall* 3317–3321. 3340, 3341——Inducement to Irish immigration in the more liberal system of relief in England, *Scrope* 1479 *et seq.*, 1682–1684. 1700–1704; *Hall* 1946–1954; *Ingham* 2163, 2164. 2335–2337. 2344–2346; *Gulson* 3500–3502. 3559. 3571. 3584. 3591–3594.

Grounds for the conclusion, as opposed to that of Mr. Power, that the poorer Irish will still emigrate in large numbers to England, more especially if the power of removal from England be abolished, *Scrope* 1479 *et seq.*——Reasons for assuming that the Irish poor would be assisted over to England in great numbers, if irremovable thence, *ib.* 1487. 1635–1646——Probability of Irish ratepayers assisting Irish poor to come to England, *ib.* 1487.

Rise of wages and diminution of population in Ireland since 1847 adverted to, as rendering it improbable, but by no means impossible, that there may at a future period be a large influx of the poorer class to England, *Scrope* 1573–1594——Partial character of the conclusions arrived at by Mr. Power and other Irish witnesses in 1854, as to the improbability of any future large immigration to England, *ib.* 1605–1608——In the event of irremovability, witness dreads the immigration of the more destitute and inferior class only, *ib.* 1707, 1708——The hope of employment is not the inducement of the great majority of Irish immigrants, *Ingham* 2238–2240. 2253–2256. 2276——Circumstance of the Irish population having increased at the rate of 200,000 a year during the ten years preceding the famine, exclusive of the emigration, *ib.* 2252. 2327, 2328.

Considerable amount of poverty still in Ireland, and more liberal poor-law system of relief in England adverted to, as offering conjointly a strong inducement for pauper emigration to England, *Austin* 2952. 2955, 2956. 2982. 3000, 3001——Notwithstanding the more abundant employment in Ireland, and less immigration of labourers into England, &c., witness still considers it unsafe to abolish removal, *Farnall* 3266–3271——Notwithstanding the improved and improving condition of Ireland, witness is unfavourable to the abolition of the power of removal of Irish paupers, *Gulson* 3569–3575——The apprehended influx of Irish pauperism is the only reason why witness objects to the total abolition of removal, *ib.* 3581–3583.

3. *No Danger of undue Immigration in the event of Irremovability:*

Conviction that the effect of the law of removal is in very many instances to promote, instead of to deter, the immigration of Irish into England; argument in illustration, *Lord Monteagle* 2148, 2149——The temptation of higher wages to the immigrant is increased by the facility of returning to Ireland at the public expense, *ib.* 2148, 2149——Groundlessness of the opinion that a law of irremovability would lead to a large immigration of Irish paupers, *ib.* 2150.

Inducement rather than impediment to Irish immigration in the law of removal, *Doyle* 2404. 2410; *Coode* 2623——Inducement at present to emigration from Ireland in the prospect of a return at the cost of the parish, *Doyle* 2496; *Coode* 2594——Immigration of Irish labourers in 1854, notwithstanding the reported demand for labour and increase of wages in Ireland, *Doyle* 2500——Decreasing necessity for any check on Irish immigration, *Coode* 2579, 2580. 2612.

Grounds for the impression that there would not be any influx of Irish poor into England or Scotland, if the law of removal were abolished, *Senior* 2699–2703——Belief that the law may be entirely repealed without the necessity at the same time of any preventive or protective legislation, *ib.* 2705–2707. 2741, 2742——Immense diminution since 1846 in the population of Ireland adverted to, as showing the improbability of pauper emigration to England, *ib.* 2901. 2906–2909. 2930——Instead of Irish immigration to England for the sake of employment, &c., there will more probably be a dearth of labour in Ireland, 2928–2930.

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IMMIGRATION—continued.

4. *Check proposed by Mr. Coode:*

Suggested enactments for the protection of England from any large immigration of destitute Irish, as unnecessarily apprehended by English ratepayers, in the event of the removal law being abolished, *Coode* 2560 *et seq.* 2608-2612——The proposed Act should proceed, *pari passu*, with the Abolition Act, and should be brought into operation, when required, by an Order in Council, *ib.* 2561-2564. 2570——The main provision of the Act would be, that the captain of any vessel conveying to England such persons as appeared likely to become chargeable, should be required to give security that they should not become chargeable within six months, or else to take them back to the place whence he had brought them, *ib.* 2562 *et seq.*——The condition of persons coming from places named in the Order of Council should be viewed before disembarkation by an officer at each port, *ib.* 2562. 2570. 2581, 2582——A similar measure has been enacted in the Passengers' Act of 1854, but not yet enforced in the case of foreigners coming to this country, *ib.* 2565-2568. 2571.

There is nothing of an alien Act in the proposed measure, *Coode* 2569. 2578——The security given by the captain should attach to the owner of the vessel, and could easily be recovered, *ib.* 2571-2573——The proposed Act, though an impediment to Irish immigration, and, as such, an evil, should only have effect in very exceptional cases, and should be of temporary operation, *ib.* 2574-2576. 2578. 2588, 2589. 2608-2611——Data upon which the Act might be brought into operation, *ib.* 2589——Means for providing that no particular port in Scotland or England should be subject to undue immigration again adverted to, *ib.* 2590-2593.

See also *Abolition of the Law*, 1. 2. *America. Destitute Immigrants. Diet. Disabled Poor. Dread of Removal. Employment. Evictions* (*Ireland*). *Harvest Labourers. Imposition. Ireland. Liverpool. Out-Door Relief. Wages. Workhouses*, 2.

Imposition. Imposition frequently practised by Irish paupers with respect to their pecuniary inability to return to Ireland, *Corder* 194, 195——Fraudulent applications for relief are exceptional among the Irish, *ib.* 287——With respect to the large number of removals from St. Martin's parish, in 1849, witness does not admit the inference that the poorer classes of Irish are induced to come to England through the knowledge that they would be removed back to Ireland at the public expense, *Hall* 2127-2133.

Inducements to Irish immigration in the facility of returning to Ireland at the expense of the English parish, *Lord Monteagle* 2148; *Doyle* 2496; *Coode* 2594——Fraud as well as expense in removals to Ireland, *Senior* 2711, 2712——Considerable burthen thrown upon Liverpool by the removal to Ireland of labourers, who, for the sake of a free passage, throw themselves, by an imposition, upon the parish rates, *Trevor* 3447-3450. 3452.

Improvidence. Greater improvidence of the Irish lower classes than of the English or Scotch, *Corder* 124, 125. 197-199. 209-221. 240; *Wilson* 812-816——Very improvident habits of the poorer class of Irish in Berwick; in cases of death the parish is often applied to for means of burial, *Willoby* 914. 1091-1093. 1105-1109. 1152-1158——Improvidence of paupers as a class, *Doyle* 2443——Encouragements to improvidence in there being any great facility of getting relief, *ib.* 2455. 2465——Erroneousness of concluding that Irish labourers are improvident if they apply for relief shortly after being thrown out of employment, *ib.* 2469-2473.

In-door Relief. Objection to any general system of in-door relief as a means of checking applications from the Irish poor, *Darlington* 1454-1462——Impracticability of any large extension of in-door relief in England, with a view to the treatment of the Irish poor as in their own country, *Scrope* 1482-1486; *Austin* 3002-3008——With respect to the class of persons admitted to in-door relief in England, the Boards of Guardians exercise a certain discretion notwithstanding the workhouse accommodation is only applicable to one-eighth of the total number of paupers, *Scrope* 1530-1535. 1655-1668——Greater aversion of the Irish than of the English poor to in-door relief, *Scrope* 1610-1612; *Doyle* 2478, 2479.

On 1 January 1853, there were 96,968 paupers relieved in the workhouses in England, *Scrope* 1659——For the half-year ended Michaelmas 1854, the amount expended in in-door relief in England was 446,484*l.*, or less than one-fourth of the entire cost of relief, *Hall* 1870.

Impracticability of protecting the English ratepayers by a system mainly of in-door relief in the event of Irish paupers being irremovable, *Ingham* 2331-2341——Impossibility of a system of exclusively in-door relief in England, *Doyle* 2547. 2549; *Gulson* 3503-3514. 3564-3566. 3585. 3600-3602——Suggested stricter adherence to in-door relief in England in the event of irremovability; practicability of extending such relief considered, *Senior* 2743-2751.

See also *Ireland*, 2. *Out-door Relief. Relief. Workhouses.*

Industrial

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Industrial Residence. The term of industrial residence, conferring irremovability, should be reduced generally from five years to three years, *Corder* 82, 83. 87. 177. 201. 237, 238. 253; *Ellison* 345. 350; *Grey* 487–489. 497–500. 621–624; *Darlington* 1235–1237; *Senior* 2716–2718; *Gulson* 3545–3547.

Means by which a three years' residence without parochial relief might be ascertained, *Corder* 242–244——Reason for fixing the period of industrial residence at three years, *ib.* 289–292——Objection to the reduction at present of the industrial test to a term under three years, *Grey* 648–657. 722–726——Suggestion that the period of industrial residence be reduced to two years, *Wilson* 818-823——Usefulness, but insufficiency of one year's industrial residence as a test of the motives of Irish emigrants, whether for employment or for relief, *Scrope* 1692–1699. 1709——Inexpediency of any reduction of the present term of industrial residence, *Ingham* 2180, 2181. 2213–2221; *Austin* 2965. 2987–2999. 3009–3017.

If the power of removal be retained, it would be very desirable to diminish the period of industrial residence, *Doyle* 2376——With respect to the present period of industrial residence, any diminution thereof (in the event of removability being retained) would only lead to much greater mischief than that now produced by the operation of the existing term, *Coode* 2649. 2650——The arguments against diminishing the period of residence by no means apply to the entire abrogation of such period, and the abolition generally of the removal law, *ib.* 2651——The term of residence might be reduced to three years, but not to so short a period as one year, *Farnall* 3103. 3135. 3191. 3236–3243. 3275–3279.

Litigation and expense consequent upon settlement, as acquired by a five years' industrial residence, or if obtainable by a residence of any shorter period, *Baron Alderson* 3358. 3370–3374. 3388–3391——Strong disapproval of the principle of the five years' residence Act, *Trevor* 3456. 3470, 3471——Interference with the freedom and the rights of labour under any stated period of industrial residence, *ib.* 3470, 3471.

Resolution by the Committee, that the period of residence necessary to acquire irremovability might be reduced from five to three years, *Rep. p.* iv.

See also *Area of Residence.* *Five Years' Residence.* *Interruption of Residence.*

Industrious Poor. Belief that in all the northern unions the law of removal is waived in the case of really industrious Irish, *Grey* 583–588——With respect to industrious Irish, they should not be deterred from applying for relief through fear of removal; belief that in exceptional cases only are those removed, who if industrious, are temporarily unemployed, *ib.* 592–594. 654. 655.

Industry of Irish. Willingness of the poorer Irish to work, *Doyle* 2490, 2491——Natural inference that the 500,000 or 600,000 Irish in England have been induced hither by feelings of energy and enterprise, *Coode* 2621——The great mass of Irish in England came as labourers, and are labourers, *ib.* 2646——Instances of the willingness of the Irish to give up poor law relief for employment, *Trevor* 3447. 3469. 3472——Growing feeling of self-reliance among the poor in this country, more particularly among the Irish poor, *ib.* 3472, 3473.

Influx of Irish Poor. See *Immigration.*

Ingham, James Taylor. (Analysis of his Evidence.)—Member of the Bar, and magistrate for six years at the Thames Police Court, 2151–2153——A great many Irish reside in the district of the court, 2154——Orders of removal, as granted by witness, have much decreased of late years, 2155. 2296——Practice with regard to the examination of the pauper, and the granting of the order; discretion exercised by witness, 2156. 2160——Hardship to the English pauper in there being no discretionary power in the magistrate to refuse the order; suggestion on this point, 2157. 2197–2199. 2259–2265. 2277–2282——The authority of a police magistrate is equal to that of two other magistrates with reference to the granting of orders, 2158, 2159. 2286, 2287.

Sundry reasons assigned in support of the opinion that it would be highly inexpedient to repeal the removability of Irish paupers, 2161–2175. 2212, 2203. 2232 *et seq.* 2304–2311——Apprehended influx of Irish poor to England if irremovable thence, 2162. 2235–2240——Belief that the power of removal is an incentive to the Irish to work, 2162——More liberal Poor-law relief in England than in Ireland adverted to as an attraction to Irish poor, 2163, 2164. 2335–2337. 2344–2346——If the scale of relief and the rate of wages for a continuous period were the same in Ireland as in England, then the power of removal might safely be abolished, 2164. 2330. 2347, 2348——Consideration of the present lowness of wages in Ireland as compared with England, and of the effect thereof, 2165–2175.

Grounds for recommending that the area of residence be extended from the parish to the union, but not further, 2176–2179—— Objections to any abridgment of the present period of industrial residence, 2180, 2181. 2213–2221——Casual labour generally obtained by the Irish in London before they procure permanent employment, 2181–2213——Witness has always given to the Irish the benefit of the Irremovable Act, 2182, 2183

 ——Willingness

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Ingham, James Taylor. (Analysis of his Evidence)—*continued.*

——Willingness of Board of Guardians at the East End of London to deal leniently with Irish paupers, and not to remove them if it be a cruelty to do so, 2183–2185——Objectionable character of the present form of examination of paupers before magistrates, 2186–2190. 2267–2269——Sundry questions suggested for adoption in lieu of those contained in the present examination, 2187–2191. 2199. 2270–2274.

Impracticable nature of certain suggestions by Mr. Power in 1854, which were recommended for adoption in lieu of the power of removal, 2192–2195——Impossibility of assimilating the system of relief in England to that in Ireland, or *vice versa*, 2169. 2306–2310——Birth settlement only should be retained in the case of English paupers, who are subject to much hardship under the present system of removal, 2197. 2222–2232. 2277–2282——Even though the power of removability throughout England be abolished, it should still be retained as regards Ireland, 2201–2204. 2222 *et seq.*——The area of irremovability might be extended to all England, if there were any practical means of ascertaining that there had been an industrial employment of five years, 2205–2212.

Witness would be very loath to remove a man who had been industrially occupied for eighteen months, or even for a shorter period, provided his want of relief arose from accidental circumstances, 2213–2219. 2258——The discretionary power of the magistrate should remain unfettered and should be conclusive, 2220, 2221. 2225. 2271–2275. 2283–2286——Doubt as to the expediency of a total abolition of the law of removal in England; birth settlement only should be retained, 2222–2232——Hardship upon towns if the removal law be abolished, 2224. 2232——So long as the circumstances of the two countries are so different, it is perfectly fair to remove Irish poor even though English poor be irremovable, 2226 *et seq.* 2305. 2329. 2330——The hope of employment is not the sole inducement to the great majority of Irish immigrants, 2238–2240.

Frequent evictions of tenants in Ireland adverted to as tending to cause emigration to England, more especially if the removal law be abolished, 2243–2251. 2325, 2326——Circumstance of the Irish population having increased at the rate of 200,000 a year during the ten years preceding the famine, exclusive of the emigration, 2252. 2327, 2328——Further statement as to the extent to which employment may be considered the incentive to Irish immigration, 2253–2256. 2276.

If an Irishman had not been five years resident in some part of England, witness would feel bound to remove him if the Board of Guardians pressed the matter, 2260, 2261——Discretionary power exercised by London magistrates generally in not removing removable Irish if there be harshness in doing so, 2266——Hardship occasionally arising from the granting of orders by country magistrates as a matter of form and without proper inquiry, 2267–2269——Further explanation of witness's views relative to birth settlement, 2288–2295.

Very few removals from witness's district to Scotland, 2296——Improvement in the social condition of Ireland adverted to as explaining the decrease of Irish removals from London, 2297——The great majority of those removed are women, many of whom are widows, 2298, 2299——Case of a family removed from England to Ireland, and returned back to England by the mayor of Cork, 2300–2302. 2312–2318——Impression that many destitute Irish are helped over to England by private benevolence, 2303.

Impossibility of a discriminating system of relief in England between the treatment of English and Irish poor, 2311——Surprise that any Boards of Guardians in London can act as though the Irremovable Act were inapplicable to the Irish, 2319–2321——Law as to the removability of Irish children, 2322–2324——Impracticability of protecting the English ratepayer by a system mainly of in-door relief in the event of Irish paupers being irremovable, 2331–2341——Reluctance of Irish poor to enter the workhouses, through fear of removal, 2341–2343——Relative character of the dietary in English workhouses, and of that of the independent poor, 2244–2246.

With respect to appeals against removals to Ireland, witness suggests that the Poor-law Commissioners in Ireland should appoint an agent in each of the large towns in England, to whom notices of removals should be sent, and a power given to appeal against the same before the magistrate; the expense, which would be very light, should be borne by the appellants, 2348–2351.

[Second Examination.]—Relief given by witness and his colleague out of the funds of the Thames Police Court to Irish poor during the late frost, 3018——Liberal conduct of the guardians of Stepney and of St. George's-in-the-East in relieving the Irish poor during the frost, without exercising the power of removal, 3018–3021.

Injustice of Removal. Injustice of England availing itself of Irish industry and labour and then of rejecting and removing those who supply the same the moment they become unprofitable, *Coode* 2595. 2597——Further evidence to the effect that the mere payment of wages is not compensation for Irish labour in England, *ib.* 2615–2617. 2624, 2625——Indirect contribution by Irish labour to the poor-rates, though not entitled to any relief therefrom, *ib.* 2625.

Injustice of removal to Ireland when there is no corresponding power of removal to England, *Senior* 2704.

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Inspectors (Poor Law). Witness has been Poor Law Inspector, or Assistant Poor Law Commissioner, in the metropolitan district since 1843, *Hall* 1749, 1750. 1757——Was previously inspector for four years from March 1835, in various counties in England, *ib.* 1751, 1752——Previously to 1843 was for four years in Dublin, engaged more especially in the superintendence of five local unions, *ib.* 1753–1756——Attendance of witness, as inspector, at meetings of Boards of Guardians, *ib.* 2035–2037.

Witness has been a poor-law inspector in England for more than seven years, *Doyle* 2352——His district comprises North Wales, Cheshire, Staffordshire, &c.; considerable Irish population therein, *ib.* 2353, 2354——Extent of witness's acquaintance with the system of poor-law relief in Ireland, *ib.* 2357.

Considerable experience of witness since 1843 upon poor-law administration; since 1851 he has been one of the inspectors, *Austin* 2945–2951——Witness has been poor-law inspector in different districts in England for seven years, *Farnall* 3022–3027——Considerable experience of witness in the administration of the poor law in England and Ireland; he is now senior inspector of the English Poor-law Board, *Gulson* 3488–3495.

Interruption of Residence. Extent to which the law of irremovability acts as a motive to the unjust dislodgement of Irish from any district before they have effected their five years' residence, *Coode* 2613, 2614.

IRELAND:

1. *Diminution of Pauperism, and growing Prosperity of the Country.*
2. *Operation of the Poor-Law System.*
3. *Feeling of Landlords in regard to the Irish Poor-Law, and the Power of Removal from England.*

1. *Diminution of Pauperism, and growing Prosperity of the Country:*

Great decrease of vagrancy in Ireland, *Senior* 2700——Material diminution going on in the amount of pauperism, *ib.* 2701——More constant employment and higher rate of wages of late years, *ib.* 2702, 2703——Fairness in considering the amount of workhouse relief in Ireland as a test of the condition of the country, *ib.* 2761–2766. 2777–2779——Immense number of paupers relieved in 1848 and 1849, as compared with the number relieved in 1854, *ib.* 2767–2771. 2931–2933.

Great decrease in each year since 1850 in the number of able-bodied males relieved, *Senior* 2772–2784——Doubt whether there are at present 1,000 really able-bodied males in the Irish workhouses, *ib.* 2782, 2783——Wonderful extent to which vagrancy and mendicancy have diminished throughout Ireland, *ib.* 2784–2787——Considerable diminution since 1850 in the number of able-bodied females relieved in the workhouses, *ib.* 2788–2791——Belief that since 1846 Ireland has been the most improving country in Europe, *ib.* 2792.

Immense rise of late years in the wages of farm servants, *Senior* 2793–2804. 2916–2920——Rise of wages generally, and increase of employment in different parts of Ireland, *ib.* 2803–2815——Particulars as to the large number of young persons who have of late years left the workhouses and been absorbed in the industrial population; how employed, *ib.* 2816–2820. 2826–2832. 2842–2846——Very few deaths from destitution in 1854 as compared with 1847, *ib.* 2821–2825.

2. *Operation of the Poor-Law System:*

Remarks in partial justification of the stricter system of poor law in Ireland than in England, *Scrope* 1493. 1522——Dietary and general treatment in the Irish workhouses adverted to, as showing the beneficial effects thereof, *ib.* 1519–1529——Very stringent mode of administering the poor law referred to, as explaining the comparatively small amount of relief given, *ib.* 1609–1612. 1647–1654——Poorness of the workhouse dietary further adverted to, *ib.* 1653, 1654——Excess of workhouse accommodation, *ib.* 1669, 1670——Present satisfactory operation of the poor law, *Lord Monteagle* 2146.

Unnecessary strictness of the administration of the law, *Coode* 2636, 2637——Greater strictness of the Irish than of the English poor law, *ib.* 2654. 2659, 2660——Grounds upon which it was considered expedient to introduce a very stringent system, *ib.* 2655, 2656. 2664——Propriety of consulting Irish opinions with any view to an alteration of the system, *ib.* 2661——Explanation of the part taken by witness with reference to the mode of applying poor-law relief in Ireland, *ib.* 2662–2664.

Witness has been employed for about seventeen years under the Poor-law Boards in England and Ireland; has been Commissioner in Dublin for the last three years, *Senior* 2655–2657——Excellent working of the poor law in Ireland, where there is no power of removal, *ib.* 2676——Extract from the ensuing report of the Irish Commissioners relative to the improved condition of the Irish peasantry, and also of the character of the workhouse dietaries, *ib.* 2698——Penalty in Ireland upon paupers who wander from one union to another in search of relief, *ib.* 2739, 2740——Improbability of the adoption in Ireland of a system of out-door relief, *ib.* 2752, 2753——Probability of improvement in the

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Ireland—continued.

2. *Operation of the Poor Law System*—continued.

dietaries, *Senior* 2754——Present state of the law with regard to out-door and in-door relief, showing that the latter system is in the main imperative, *ib.* 2755–2759——Exceedingly small amount of out-door relief given, *ib.* 2835. 2837–2841.

Different system in Ireland and in England in regard to the erection of workhouses, and the discipline therein, *Gulson* 3502–3515. 3584. 3591–3594——Statement relative to the non re-payment to Government of the whole of the amount advanced by them towards the erection of workhouses in Ireland, *ib.* 3516–3529. 3604.

3. *Feeling of Landlords in regard to the Irish Poor-Law, and the Power of Removal from England:*

Indisposition of many Irish proprietors and landlords to receive the poor-law in Ireland adverted to as some ground for inferring that they may take steps to remove Irish poor to England if irremovable thence, *Scrope* 1634–1646. 1715–1720——Opinion of Lord Monteagle in favour of the non-removability of Irish poor from England, considered in connexion with his opposition to the application of the poor-law to Ireland, *ib.* 1640–1646. 1715–1720——Opposition of Irish Members and proprietors to removability from England further considered, to the effect that their motives may chiefly be the result of strong feeling in reference to the sufferings to which removable poor are now subjected, *ib.* 1731–1737.

Explanatory evidence in refutation of statements by Mr. Scrope (Q. 1640–1646. 1715–1720) as to the opposition of witness to the introduction of the the poor-law into Ireland, and to the law of removal of Irish paupers from England, *Lord Monteagle* 2142–2145——Support given by witness in the preparation of the poor law for Ireland in 1837, *ib.* 2143——His opposition to the principle of out-door relief adverted to, *ib.* 2143——Groundlessness of the inference drawn by Mr. Scrope as to the motives of Irish Members and proprietors in advocating the abolition of the removability of Irish poor, *ib.* 2143. 2145, 2146——Growing feeling among Irish landlords in favour of the poor law, and of a less stringent administration of it, *Coode* 2656–2658. 2664.

See also *Abolition of the Law*, 1, 2. *Dietaries. Immigration. Relief.*

Irish Poor. See *Abolition of the Law*, 1. 2. *Assimilation of the Law. Berwick-upon-Tweed. Birmingham. Bradford. Crime, &c. Dread of Removal. Hardships of the Law. Immigration. Improvidence. Industrious Poor. Industry of Irish. Ireland. Irremovable Act. Liverpool. Manchester. Moral Character of Irish. Newcastle-upon-Tyne. Out-door Relief. Relief. Vagrants and Mendicants. Value of Irish Labour. Workhouses*, 2.

Irremovable Act. Removal formerly from Birmingham of Irish poor who had been five years resident; this was done through what witness always considered an erroneous reading of the Act, and was discontinued on his entering into office six years ago, *Corder* 84–86——The same law as to irremovability applies equally to England, Ireland, and Scotland, *ib.* 318——In Newcastle-upon-Tyne, five years industrial residence has always been considered to render an Irishman irremovable, *Grey* 567–570——Impression that in some unions the five years' residence is still considered not to apply to the Irish, *ib.* 571–574.

Witness never heard a doubt expressed in Whitehaven or elsewhere as to the Irish being entitled to the application of the Irremovable Act, *Wilson* 864–870——Grounds upon which witness objects to the policy of the Irremovable Act, *Willoby* 967–977——Particulars as to the witness when appointed clerk to the Bradford Union, having construed the Five Years' Residence Act as not applicable to the Irish, who, for about two years, had not the benefit of it; reasons for such construction of the Act, *Darlington* 1175–1178. 1218. 1316–1323. 1420, 1421——Reference to the Strond, and the Oldham Union, as not having at one time applied the Act to the Irish poor, *ib.* 1317.

Benefit of the Irremovable Act given by nearly all the London Unions to the Irish poor; exceptions to this rule in the case of the Hackney, Richmond, and St. Olave's Unions, *Hall* 1761–1765. 1917, 1918——Non-extension of the Act to Irish poor by certain unions in London, notwithstanding the opinion given by witness to the guardians that the Act was applicable generally, *ib.* 2038–2046——Greater extent to which some years ago the London unions were of opinion that the Act did not apply generally, *ib.* 2046–2051.

Witness, as magistrate at the Thames Police Court, has always given to the Irish the benefit of the Irremovable Act, *Ingham* 2182, 2183——Surprise that any Boards of Guardians in London can act as though the Irremovable Act were not applicable to the Irish, *ib.* 2319–2321——Acquisition of irremovability, notwithstanding vagrancy or mendicancy, during the five years residence, *Doyle* 2543, 2544.

Resolution by the Committee, that as doubts appear to have been entertained by some magistrates and some boards of guardians, whether the provisions of the Act 9 & 10 Vict. c. 66, s. 1, extend to poor persons born in Ireland and Scotland, it is expedient to remove those doubts by an express declaratory enactment in the affirmative, *Rep. p.* iv.

See also *Abolition of the Law. Immigration. Pauperism. Whitehaven Union.*

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Kensington Parish. Claim of Kensington to reimbursement from the county for the cost of removal, *Hall* 1824, 1825.

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REPORT

FROM THE

SELECT COMMITTEE

ON

PUBLIC HEALTH BILL,

AND

NUISANCES REMOVAL AMENDMENT BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
18 *May* 1855.

Mercurii, 21° *die Februarii*, 1855.

Public Health Bill read a second time, and committed to a Select Committee.

Veneris, 23° *die Februarii*, 1855.

Nuisances Removal and Diseases Prevention Acts Consolidation and Amendment Bill re-committed to a Select Committee.

Lunæ, 26° *die Februarii*, 1855.

Committee nominated of—

Sir Benjamin Hall.	Mr. Freshfield.
Mr. Irton.	Mr. Henry Bruce.
Mr. Wilkinson.	Sir John Hanmer.
Mr. Adderley.	Mr. Knight.
Lord Robert Grosvenor.	Mr. Henry Gore Langton.
Mr. Horsfall.	Mr. James MacGregor.
Viscount Goderich.	Mr. Thomas Greene.

Martis, 27° *die Februarii*, 1855.

Ordered, That Mr. Edward Egerton be added to the Committee.

Ordered, That Five be the Quorum of the Committee.

Jovis, 1° *die Martii*, 1855.

Ordered, That all Petitions against the above Bills presented this Session be referred to the Select Committee on the Bills.

Veneris, 2° *die Martii*, 1855.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

Veneris, 18° *die Maii*, 1855.

Ordered, That the Committee have power to Report the Minutes of Evidence taken before them, to The House.

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REPORT.

SIR BENJAMIN HALL reported from THE SELECT COMMITTEE on the PUBLIC HEALTH BILL, AND NUISANCES REMOVAL AMENDMENT BILL, who were empowered to send for Persons, Papers, and Records, and to Report THE MINUTES OF EVIDENCE taken before them, to The House:

THAT they had taken Evidence accordingly, which they had directed him to Report to The House.

18 *May* 1855.

PROCEEDINGS OF THE COMMITTEE.

Veneris, 2° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall.	Mr. Horsfall.
Mr. Freshfield.	Mr. Irton.
Mr. Edward Egerton.	Mr. H. G. Langton.
Viscount Goderich.	Mr. James MacGregor.
Mr. Thomas Greene.	Mr. Wilkinson.
Sir John Hanmer.	

Sir *Benjamin Hall* called to the Chair.

The Committee deliberated on their future proceedings.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 5° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Adderley.	Mr. Irton.
Mr. Edward Egerton.	Mr. H. G. Langton.
Mr. Freshfield.	Mr. Wilkinson.
Mr. Thomas Greene.	Mr. James MacGregor.
Lord Robert Grosvenor.	Mr Knight.

Mr. *Henry Knight*, Mr. *John Snow*, M.D., and Mr. *James Henry Frederick Lewis*, examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 8° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. Wilkinson.
Mr. Irton.	Mr. Adderley.
Mr. Freshfield.	Mr. Knight.
M. H. G. Langton.	Lord Robert Grosvenor.
Mr. Horsfall.	

The Committee deliberated.

Mr. *Alexander Macdougall*, Mr. *James Henry Frederick Lewis*, and Mr. *Archibald Kintrea*, examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 12° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. James MacGregor.
Mr. Irton.	Mr. Wilkinson.
Mr. Thomas Greene.	Mr. Horsfall.
Mr. Freshfield.	Lord Robert Grosvenor.

Mr. *James Maynard*, Mr. *James Henry Frederick Lewis*, Mr. *Edward Medley*, and Mr. *Robert Rumney*, examined.

[Adjourned to To-morrow, at Twelve o'clock.

Martis, 13° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Thomas Greene.	Mr. James MacGregor.
Mr. Adderley.	Mr. Wilkinson.
Mr. Freshfield.	Mr. Irton.
Mr. H. G. Langton.	Lord Robert Grosvenor.
Mr. Horsfall.	Mr. Edward Egerton.

Mr. *Toulmin Smith*, examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 15° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. Wilkinson.
Mr. Irton.	Mr. Horsfall.
Mr. Knight.	Mr. Adderley.
Mr. Freshfield.	Mr. Thomas Greene.
Mr. H. G. Langton.	Lord Robert Grosvenor.

Mr. *Toulmin Smith*, Mr. *Thomas Hawksley*, and Mr. *Joseph John Scoles*, examined.

[Adjourned to To-morrow, at Twelve o'clock.

Veneris, 16° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. Wilkinson.
Mr. Irton.	Mr. Thomas Greene.
Mr. Knight.	Mr. Horsfall.
Mr. Adderley.	Lord Robert Grosvenor.
Mr. James MacGregor.	

Mr. *Toulmin Smith*, Mr. *William Everest*, and Mr. *Thomas Searle*, examined.

[Adjourned to Monday next, at Twelve o'clock.

Lunæ, 19° *die Martii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Edward Egerton.	Lord Robert Grosvenor.
Mr. Irton.	Mr. Adderley.
Mr. James MacGregor.	Mr. Horsfall.
Mr. Wilkinson.	Mr. Thomas Greene
Mr. H. G. Langton.	

Mr. *Robert Baxter*, Mr. *Joseph Jones*, and Mr. *Francis Francillon*, examined.

[Adjourned to To-morrow, at Twelve o'clock.

Martis, 20° *die Martii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Freshfield.	Mr. Thomas Greene.
Mr. H. G. Langton.	Lord Robert Grosvenor.
Mr. James MacGregor.	Mr. Edward Egerton.
Mr. Wilkinson.	Mr. Knight.
Mr. Irton.	Mr. Adderley.

Mr. *Joseph Heron*, and Mr. *George Rowdon Burnell*, examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 22° *die Martii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Edward Egerton.	Mr. Thomas Greene.
Mr. Irton.	Mr. H. G. Langton.
Mr. James MacGregor.	Mr. Knight.
Mr. Wilkinson.	Lord Robert Grosvenor.

Mr. *William Everest*, Mr. *Robert Baxter*, and Mr. *George Knight*, examined.

[Adjourned to Friday next, at One o'clock.

Veneris, 23° *die Martii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Edward Egerton.	Mr. James MacGregor.
Mr. Irton.	Mr. Wilkinson.
Mr. Knight.	Lord Robert Grosvenor.
Mr. Freshfield.	Mr. Adderley.
Mr. H. G. Langton.	Mr. Thomas Greene.

Mr. *Samuel Holding Blackwell*, Mr. *Edward Crockford*, Mr. Alderman *Copeland*, and Mr. *Robert Baxter*, examined.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 29° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Irton.	Mr. Adderley.
Mr. Knight.	Mr. Wilkinson.
Mr. H. G. Langton.	Mr. Thomas Greene.
Mr. James MacGregor.	Lord Robert Grosvenor.
Mr. Edward Egerton.	

The Committee deliberated.

[Adjourned to To-morrow, at One o'clock.

Veneris, 30° *die Martii*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. Wilkinson.
Mr. Knight.	Lord Robert Grosvenor.
Mr. Adderley.	Mr. James MacGregor.
Mr. H. G. Langton.	

The Committee deliberated.

Mr. *Robert Baxter* and Mr. *Edmund Minson Wavell*, examined.

[Adjourned to Tuesday, 24th April, at One o'clock.

Martis, 24° *die Aprilis*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. Freshfield.
Mr. Irton.	Mr. H. G. Langton.
Mr. Knight.	Mr. James MacGregor.
Mr. Thomas Greene.	Viscount Goderich.
Mr. Adderley.	Mr. Wilkinson.

The Committee deliberated.

Mr. *Frank Clarke Hills* and Mr. *Joseph Heron*, examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 26° *die Aprilis*, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall, in the Chair.

Mr. Edward Egerton.	Mr. H. G. Langton.
Mr. Irton.	Mr. James MacGregor.
Mr. Knight.	Viscount Goderich.
Mr. Thomas Greene.	Mr. Wilkinson.
Mr. Adderley.	

The Committee deliberated.

[Adjourned to Tuesday next, at One o'clock.

Martis, 1° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. H. G. Langton.
Mr. Wilkinson.
Mr. Irton
Mr. Knight.
Mr. Thomas Greene.
Mr. Edward Egerton.
Mr. James MacGregor.
Viscount Goderich.
Mr. Adderley.
Mr. Freshfield.
Lord Robert Grosvenor.

The Committee deliberated.

Mr. *William Farr*, M.D., examined.

[Adjourned to Thursday next, at One o'clock.

Jovis, 3° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Freshfield.
Mr. H. G. Langton.
Mr. James MacGregor.
Viscount Goderich.
Mr. Wilkinson.
Mr. Edward Egerton.
Mr. Irton.
Mr. Knight.
Mr. Thomas Greene.
Mr. Adderley.
Lord Robert Grosvenor.

The Committee deliberated.

[Adjourned to To-morrow, at Twelve o'clock.

Veneris, 4° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Freshfield.
Mr. James MacGregor.
Viscount Goderich.
Mr. Wilkinson.
Mr. Edward Egerton.
Mr. Irton.
Mr. Knight.
Mr. Thomas Greene.
Mr. Adderley.
Lord Robert Grosvenor.

The Committee deliberated.

Mr. *William Farr*, M.D., examined.

[Adjourned to Tuesday next, at Twelve o'clock.

Martis, 8° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Edward Egerton.
Mr. Irton.
Mr. Thomas Greene.
Mr. Freshfield.
Mr. H. G. Langton.
Mr. Wilkinson.
Viscount Goderich.
Mr. James MacGregor.
Mr. Adderley.
Lord Robert Grosvenor.

The Committee deliberated.

The Committee determined to proceed with the Nuisances Removal Amendment Bill.

The preamble of the Bill read and postponed.

The Committee went through the Bill, clause by clause, and made several amendments.

Question, "That the preamble stand part of the Bill," put, and agreed to.

Question, "That this Bill, as amended, be reported to The House," put, and agreed to.

Ordered to Report.

[Adjourned to Thursday next, at Twelve o'clock.

Jovis, 10° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. H. G. Langton.	Mr. Irton.
Mr. James MacGregor.	Mr. Thomas Greene.
Viscount Goderich.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. Adderley.
Mr. Edward Egerton.	

The Committee deliberated.

[Adjourned to Friday, the 18th instant, at One o'clock.

Veneris, 18° *die Maii*, 1855.

MEMBERS PRESENT:

Sir BENJAMIN HALL, in the Chair.

Mr. Freshfield.	Mr. Knight.
Mr. H. G. Langton.	Mr. Thomas Greene.
Mr. James MacGregor.	Lord Robert Grosvenor.
Mr. Wilkinson.	Viscount Goderich.

The Committee deliberated.

Mr. *Toulmin Smith*, examined.

The Committee proceeded with the Public Health Bill.

Preamble of the Bill read, and postponed.

The Committee went through the Bill, clause by clause, and made several amendments.

Question, "That the preamble stand part of the Bill," put, and agreed to.

Question, "That this Bill, as amended, be reported to The House," put, and agreed to.

Ordered to Report.

Motion made, and Question, "That the Minutes of Evidence taken before the Committee be reported to The House," put, and agreed to.

Ordered to Report.

EXPENSES OF WITNESS.

NAME of WITNESS.	PROFESSION or CONDITION.	FROM whence SUMMONED.	Number of Days absent from Home, under Orders of Committee.	Expenses of Journey to London and Back.	Allowance during absence from Home.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Joseph Jones - -	Clerk to Derby Local Board of Health.	Derby - - -	4	3 5 -	4 4 -	7 9 -

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Lunæ, 5° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Edward Egerton.
Mr. Thomas Greene.	Mr. Adderley.
Mr. Wilkinson.	Lord Robert Grosvenor.
Mr. Irton.	Mr. James MacGregor.
Mr. H. Gore Langton.	Mr. Knight.
Mr. Freshfield.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Mr. *Henry Knight*, called in; and Examined.

Mr. *H. Knight.*

5 March 1855.

1. *Chairman.*] YOU are the Secretary to the persons who are engaged in what are called the offensive trades?—Yes.

2. Do you wish to give evidence before this Committee as to some clauses which appear in the Nuisances Removal Bill?—Yes.

3. Upon what points do you wish to be examined?—I wish to state that the manufacturers, a great number of whom I have been in communication with, object very much to the Bill, upon the following grounds:—First, they consider that their businesses will be placed in great jeopardy if this Bill came into operation; and, secondly, they believe that they ought to have a compensation clause introduced into the Bill; and, moreover, they think it is not provided for that the businesses shall be carried on at all: in case they are removed by the operation of this Bill, there is no locality assigned where they may be carried on.

4. That is to say, these offensive trades which it is proposed either to suppress or to interfere with?—Yes.

5. Are you engaged in any trade yourself?—I am engaged in the bone trade.

6. As a bone-boiler?—Not as a bone-boiler; as a bone merchant.

7. In what part of the metropolis is your business carried on?—My office is in Chatham-place, Blackfriars; I keep goods at wharves in the city.

8. What is the exact nature of your trade of a bone merchant?—It consists in buying bones for crushing for agricultural purposes, for making animal charcoal for sugar refiners, and manufacturers generally; bones are very much used in various parts of the country.

9. Then you buy the bones, and afterwards sell them, in the state in which you receive them, to other persons?—Yes.

10. As a bone merchant, you sell those bones to those who manufacture them for various purposes?—Just so.

11. What part of the city are your wharves in?—I keep my goods at public wharves; as they are imported I buy them, and they lie at public wharves, such as Cotton's Wharf, Davis's Wharf, Pickle-herring Wharf, and several other wharves.

12. Do the manufacturers come there to purchase?—They come to a public sale room to purchase.

13. Mr. *Egerton.*] They are never brought to your premises in Chatham-place?—No.

Mr. *H. Knight.*

5 March 1855.

14. *Chairman.*] What are the parts of the Nuisances Removal Bill to which you object?—We very much object to Clause 12; to the latter part of that clause which speaks of "any decaying or offensive accumulation or deposit;" now that embraces a very great many things in London.

15. Then do you object to the removal or abatement of any nuisance arising from decaying or offensive accumulation or deposit?—I might say that these are almost the same terms that were used by Lord Palmerston when the former Nuisances Removal Bill was introduced, and he agreed then to introduce words to this effect, if not these precise words; he agreed to say, "Any decaying or offensive accumulation or deposit, such accumulation or deposit not being necessary to the carrying on of any trade or manufacture where the same may be found."

16. You say that Lord Palmerston consented to the introduction of those words; had you any interview with Lord Palmerston upon that point?—Yes, I saw him several times.

17. When was it that Lord Palmerston assented to those words?—It was the last time I saw Lord Palmerston; and he agreed not only to introduce those words, but several others in different parts of the Bill which quite satisfied the manufacturers in London, and likewise those in the country; but I cannot call to mind exactly what they were now; this just caught my eye.

18. Was that a verbal communication or a written communication?—A written communication; I think Lord Palmerston wrote the words upon the margin of the Bill.

19. Who has the copy of the Bill containing those marginal notes?—I think the deputation from Manchester took away that Bill with them; I went up with a deputation from Manchester, and I believe they took that Bill away.

20. Would it be possible for you to obtain a copy of the Bill with Lord Palmerston's marginal notes upon it?—I will make an effort to do so.

21. When did that interview take place with Lord Palmerston?—I think it was about 12 months ago, but I cannot call to mind the exact time.

22. Mr. *Egerton.*] Was not it in June last?—I think it was in the summer of last year; we were accompanied by Mr. Williams of Lambeth and Mr. Wilkinson, and several other Members of Parliament; we had a long interview with Lord Palmerston, and he wished us to frame a clause which should meet our views, which we did, and we made additions to other clauses: and the result of several interviews was, that we thought we would rather the Bill had passed than that it had been withdrawn; I think it would have put the manufacturers in a position that they would have been thoroughly well satisfied with.

23. What did you understand exactly to be the nature of the arrangement you entered into with Lord Palmerston upon this point?—We understood that all trades and manufactures were to be taken entirely out of the operation of the Nuisances Removal Bill.

24. Mr. *Freshfield.*] Did you understand the arrangement to be, that a mass of bones were to be allowed to lie fermenting for any length of time because it was the business of the person to buy and sell bones?—There is a great difference of opinion upon that subject; we contend that they do not lie and ferment.

25. If so, are they of any use in agriculture?—There is a fermenting process necessary to be gone through, no doubt; but whilst they are lying in the yard there is no fermentation that is injurious. They undergo this process when in finely disintegrated particles, and are acted upon by the moisture in the ground.

26. *Chairman.*] Are the Committee to understand that the words you have mentioned were in Lord Palmerston's handwriting in the Bill?—They were agreed to by Lord Palmerston; I will not be certain whether they were in Lord Palmerston's handwriting, but I can say positively that they were agreed to by Lord Palmerston.

27. Upon that copy of the Bill there were several notes in Lord Palmerston's handwriting?—Yes.

28. You will use your best endeavours to obtain that copy of the Bill?—Yes, I will.

29. Mr. *Egerton.*] Was it the town-clerk of Manchester that accompanied you?—No, it was one of the members of the Corporation; there were Mr. M'Dougal, Mr. Peter Spence, the largest alum manufacturer in the world; and Mr. Roberts, a large soap manufacturer.

30. *Chairman.*]

30. *Chairman.*] Is there any other clause in the Bill that you object to?—You will find that our solicitor has a great many clauses marked for objection; I thought that the Committee would examine me rather upon the general grounds of objection we have to the Bill, as I know the feeling of the manufacturers generally upon the subject; but the solicitor would be better able to state the details of the objections to the clauses of the Bill.

31. Mr. *Adderley.*] Are there many trades which are obliged to have accumulations of decaying or offensive matter on their premises?—A great many trades in London.

32. Mr. *Egerton.*] How long has this association, on behalf of which you appear, been in existence?—We formed the association at the time that the previous Bill was introduced by Lord Palmerston.

33. Then it is only since last year that the association has been formed?—Just so.

34. *Chairman.*] Will you state any other points to which you desire to direct the attention of the Committee?—There is no provision made for compensation, and we object to the Bill as not containing that.

35. You think that, if it be necessary for the health of the public, or for other objects, that any of those trades should be removed from their present situations, the persons carrying on those trades should receive compensation?—We do; we think it is nothing but equitable that they should. In all Private Bills that are introduced into Parliament, such as for railways or new streets, and a variety of other things, it is always provided, that if a person's premises are interfered with, or his business removed, there shall be compensation given.

36. Can you state any case, in any of the Towns Improvement Bills, in which compensation has been given where any offensive trade has been removed?—I cannot.

37. Can you point out any local act, containing a provision for compensation being given to those whose trades may be removed or may be abated on the ground of nuisance?—The Metropolitan Buildings Act, we conceive, gave a right to manufacturers to remain in their present locality for 30 years, unless they were removed, and compensation given to them.

38. Are you not aware, that by an Act passed in the year 1853, generally called Lord Palmerston's Act, many of the persons carrying on those offensive trades have been proceeded against for nuisances?—Yes, I am quite aware of that.

39. But no compensation has been given in those cases?—I am not aware of a single instance where the business has been removed.

40. But those persons have been fined for carrying on those businesses?—Persons have been fined under that Act, but I think the provisions of this Act are scarcely analogous to that. The Smoke Prevention Act says, that if the best practicable means have been used to remedy the nuisance, they are at liberty to continue their business, or something to that effect. Now this Bill does not make any provision for that; and I was going to call your attention to the difficulty of saying whether the best practicable means have been used or not. That is another objection to this Bill.

41. Supposing a clause were introduced, or a proviso added to the clauses in this Bill, to this effect, that an opportunity should be given for the best possible means to be carried out that can be ascertained, for the purpose of removing or abating the nuisance, would that satisfy, to some extent, the objectors to the Bill?—I think that the 31st clause of the Bill does say that the justices shall have the option of suspending their judgment till the manufacturer has used such means.

42. Does not that to a certain extent meet the objection you have raised?—No; I think not. I well recollect a case which happened a little while ago, where some hop bleachers in the borough were proceeded against; Dr. Taylor came forward and said that the process was injurious to health; Dr. Letheby came forward and said that it was not injurious to health. Now we want to know, in such a case, who are to be authorised to determine the question, whether the best practicable means have been used or not. If we can get a certificate from a well qualified man practising in any of the London hospitals, or if a manufacturer in the country can get a certificate from any well-recognised scientific man, I think that ought to weigh as much as the authority of any

Mr. *H. Knight.*

5 March 1855.

gentleman who comes forward and says it is prejudicial to health. In the case I have just mentioned, the hop bleachers were convicted because Dr. Taylor said one thing and Dr. Letheby said another.

43. You think that if a certificate can be obtained from any respectable medical practitioner that the trades which you now represent before the Committee are not injurious to health, the persons carrying on that trade ought, under any circumstances, to be allowed to proceed with their business?—I think, if it can be shown that they have used the best available means for putting a stop to anything that may be complained against, that that ought to be a subject for consideration; and that it ought to be provided for, that if after that, it is necessary that they should be removed, they shall be compensated for such removal. I think that is nothing but fair. Why should one man be made a victim for the benefit of a great many? I do not think that ought to be the case.

44. Mr. *Egerton.*] Does not it occur to you that there may be great differences of opinion as to what are the best means to remedy a nuisance?—Precisely so; that is just the very ground upon which I would put it: that it is necessary that some means should be provided by the Bill by which that shall be determined.

45. Lord *R. Grosvenor.*] That the merchant may know what he is about?—Just so. I do not hesitate to say that, upon the faith of the Metropolitan Buildings Act, a very large amount of capital has been expended in London, the manufacturers believing that they had a right to continue in London in their present localities.

46. *Chairman.*] Is not there a clause in that Act to the effect that they shall not extend their premises?—Yes; at all events, that the number of businesses shall not be extended, excepting under conditions therein provided. I have not heard a single manufacturer object to the provisions of that Act. They would be perfectly satisfied that that Act should be carried out in the most strict mode possible.

47. You say that a large amount of capital has been expended upon the faith of that Act. Is not there a clause in that Act which provides that there shall be no addition made to the premises as existing in 1844, upon which any offensive trade is carried on?—I am not aware that there is.

48. Lord *R. Grosvenor.*] That Act was passed in 1844-45?—In 1844-45.

49. Mr. *Wilkinson.* You said just now that the Smoke Prevention Act had reference merely to the question of improving the mode of conducting the furnaces, and that it did not at all affect the question of removing what are considered offensive businesses?—Not in a single instance that I know of.

50. Is it your opinion that the provisions of this Bill will absolutely entail the necessity of removing entirely a great number of businesses from the neighbourhood of London?—That is my opinion.

51. They could not be caried on under this Bill?—I think not; I think it gives such powers to the local boards, and to people who may have questionable motives in bringing into operation the provisions of the Bill, that it would be impossible that they could carry on their business.

52. Is there an objection amongst the persons with whom you are conversant, to the tribunal before which those questions are to be tried?—A very great objection; they contend that where such an amount of property is involved, they ought to have an opportunity of going before a jury.

53. Mr. *Egerton.*] Do you know any instance in which there has been an indictment at common law preferred against any of those trades?—Yes; the Messrs. Hunt were indicted at the last Guildford summer assizes.

54. In what part of the Metropolis do they carry on business?—In Lambeth, as bone-boilers and crushers, and soap manufacturers.

55. What was the result of that trial?—The judgment was suspended, and they were allowed a certain time to make an improvement of their premises.

56. In fact, it was a nominal verdict of guilty?—Just so.

57. Which would have been enforced if they had not made the improvements required?—Yes.

58. Can you mention any other instance?—I cannot call to mind any other just now.

59. Have Messrs. Hunt effected improvements in their works?—They are in process

process of being carried out. I remember that the judge, in his remarks at the time, said that it never could be intended on the part of the Government, in instituting that prosecution, that those businesses should be entirely annihilated, which would have been the case if they had been removed from there. As to this point, I have a very strong case to present to you; that of some large tanners at Bermondsey, who have attempted to remove the most offensive part of their business to Dartford, and they have laid out a considerable sum of money in putting up buildings, and so on, at Dartford; but directly they had done that, they received notice that they would be prosecuted if they carried on their business there.

60. From whom?—From the Local Board of Health at Dartford, I believe.

61. When you say that the prosecution of Messrs. Hunt was instituted by the Government, are not you making a mistake? Was not the prosecution instituted on behalf of the people in the neighbourhood?—Certainly not.

62. Who prosecuted?—Lord Palmerston. Mr. Chambers appeared for Lord Palmerston.

63. Who were the people who gave evidence against Messrs. Hunt?—Dr. Baly, at the Penitentiary, and others.

64. Were not there a great many witnesses from the neighbourhood?—There were some witnesses from the neighbourhood, but the prosecution was got up entirely by the Government; I am quite prepared to say that.

65. Do you mean to say that the Government incurred the expense of it?—Yes.

66. *Chairman.*] Do you mean to say that no representations were made to the Government in the first instance from the locality as to the offensiveness of the trade?—The indictment ran somewhat in this wise: That Her Majesty's subjects in the Penitentiary were suffering very much from noxious effluvia, and that it came from Messrs. Hunt's places; and likewise that other inhabitants in the neighbourhood suffered from the same cause.

67. Mr. *Egerton.*] To support that allegation, it was of course necessary to have abundance of evidence from people who lived in the neighbourhood?—Yes, the police were about for a long time getting up evidence against the defendants.

68. Mr. *Wilkinson.*] Do you know of any manufacturer at present in prison in consequence of a prosecution of this nature?—Yes.

69. What is his name?—Mr. Rhodes. We are quite content that we should be left under the common law of England, to be indicted as necessity arises; if the neighbours have felt any injury from our mode of carrying on any trade, we are quite content that we should run the risk of an indictment.

70. *Chairman.*] Are not you aware that that is rather an expensive process?—I think a manufacturer who has embarked a large sum of money, ought to have the security which an expensive process to go through gives; anybody who has no money to lose may easily set an Act of this kind into operation, and he may do it from various motives.

71. Then what you particularly object to, as regards the provisions of this Bill, is the simplicity of action which is provided for under this Bill?—No. The action of it certainly is very simple; but I think it is probably giving too great a power into the hands of persons who scarcely know how to use it.

72. What you mean by simplicity of action is, that it would be much more easy to prosecute you under the provisions of this Bill than it would be under any Act now in force?—There is no doubt about that.

73. And you think that is very objectionable?—I do, certainly; because there is no security that this facility will not be abused.

74. Mr. *Wilkinson.*] Do you think that if the Acts already in existence had been facile in their mode of action, they would have been available for the objects sought by this Bill?—No, I am sure they would not. It is very well known that hitherto, under the present Nuisances Removal Act, the police magistrate came to a decision that trades ought not to be affected by it; that, in fact, all accumulations of matter for the purposes of trade were not within the purview of that Act.

75. Do you know the case of Mr Irlwin, a market gardener?—I do.

76. He was an agriculturist?—Yes, a market gardener.

77. Do you know whether he is coming here to be examined?—I believe he is.

78. Mr. *Egerton.*] Have many of these trades been started within the last few years?—Yes, several have.

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79. *Chairman.*] Can you give any instances?—I could give instances, but I would rather not, because I might be blamed; it might be put down to some wrong motive if I were to talk of people, especially as the Metropolitan Buildings Act might be put in force, and they might say: We will put down such trades as have started since the Act.

80. Your objection to answering the question is this, that there are some trades which have been established subsequently to the year 1844, and therefore you would rather not name them?—It is because they might probably blame me in the matter; but if the Committee wish it, I can give instances immediately.

81. Without mentioning names, will you state to the Committee any trades of an offensive character which have been established within the Metropolitan district subsequently to the passing of the Act of 1844?—Some bone-boilers have been established.

82. The setting up of any new bone-boiling establishment in the Metropolis is strictly prohibited by the Act of 1844?—Yes; I think it is, excepting under certain conditions.

83. But you do not consider that those persons who have so established their trade since the Act of 1844, should be entitled to compensation, do you?— I do not contend for anything of the kind, but as there is new legislation upon the subject, we think that now is the proper time to fix the period at which it shall cease in London.

84. Although those persons have established trades contrary to the provisions of the Act of 1844?—I think it was said the other night in the House of Commons, that if that Act had been put into operation a very great many trades would not be in existence. With respect to the question of public health, I might say that there was not a single case of cholera amongst all the bone merchants during the late epidemic.

85. Lord *R. Grosvenor.*] Or among the persons employed by them?—Just so.

86. *Chairman.*] Are you aware whether there was any cholera in the immediate neighbourhood of the bone-boiling establishments?—Yes, there was.

87. But not within the walls of the establishments?—I can say that the cholera was worse at some distance from them than it was close to them.

88. Within the area of the bone-boiling establishments you think there was little or no cholera?—I do not think there is any proof at all that the bone-boiling was productive of cholera.

89. Lord *R. Grosvenor.*] I understand you to state, absolutely, that there was among the working bone-boilers no case of cholera?—Not a single case.

90. Mr. *Egerton.*] What means have you of knowing that?—I am amongst them almost every day.

91. Do you go amongst all the different workmen employed?—At the manufactories, and the places of business.

92. Do not many of the workmen reside a long distance from the place of business?—Not a long distance, because the business requires them to be there early in the morning, and late at night.

93. Lord *R. Grosvenor.*] I understand you to mean, by your answer, to say that you have taken some pains to inquire into the fact, and that that is the result?—Just so.

94. Mr. *Egerton.*] What is the exact purpose of the association on whose behalf you appear; do you indemnify one another against any legal proceedings?—No.

95. What are the exact terms of your association?—The object for which we are associated together is to assist each other to watch matters of this kind; legislation, and so on; bills that may be brought in affecting these trades, and where they think their interests are affected, to get up evidence, and to oppose the measure.

96. To resist any legislation that may be prejudicial to their interests?—Yes.

97. Mr. *Wilkinson.*] And to point out what legislation may take place without injury to their trades?—Yes.

98. Mr. *Egerton.*] But in the event of any proceedings being taken under the Act of last year against any individual, you do not feel bound to come forward and fight the battle of that person?—No; we have no fund to do it.

99. *Chairman.*] How would this affect you more than the Act of 1853?—Under the Act of 1853, if a person has adopted proper means then they cannot be

be removed; it merely says that they shall use the best available means for the purpose of remedying anything that may be annoying to the inhabitants. We object to that equally; but that is the law, and therefore we have very little power to complain about it. But that clause which affected businesses we had no idea was being put into an Act, called the "Smoke Prevention Act," therefore no notice was taken of it.

100. Are any powers contained in this Act beyond the powers contained in the Act of 1853?—I am not prepared to answer that question.

101. Mr. *Wilkinson.*] You are a bone-merchant; where do the bones come from that you purchase?—I purchase bones coming from Australia and from South America; I purchase more bones in London than any other man in London.

102. Do you buy any from persons in London?—Yes, a large quantity.

103. Where are the bones that you purchase generally brought from?—They are brought from the bone-boilers' yards in London; the process is this: first of all they are bought by what we call rag shops; they are the purchasers of the bones in small quantities of five hundred weight and 10 hundred weight and so on; from thence they are conveyed to the bone-boilers' yards, and there they are boiled and thrown into heaps, after being divested of the meat and the noxious matters.

104. If those bones were not so purchased and used, what would become of them?—They would lie over a much larger area in London; and would, I think, be productive of a great deal more injury than they are now.

105. Mr. *Freshfield.*] I understand that your great objection to the present Bill is the greater facility which it will afford for putting down these trades, which are said to be nuisances, than existed before?—It gives an opportunity to justices to put down these businesses; and we think we ought to have a right to go to trial by jury, as a very large amount of capital indeed is involved in these businesses.

106. If you had an effective appeal, would not that answer your purpose as well as going to a jury?—Not an appeal to the quarter sessions; the Act provides for an appeal to the quarter sessions.

107. *Chairman.*] Would there be less objection to the Bill if there were an appeal to a higher tribunal?—I think there would.

108. Mr. *Egerton.*] Would you rather that the appeal was made to the Court of Queen's Bench or to one of the superior courts in the first instance?—Yes; we are quite satisfied with the Metropolitan Buildings' Act, and we should wish the clauses referring to nuisance businesses to be transferred from that Act into this; that, I think, would satisfy all the necessities of the manufacturers. There is not one of the manufacturers in London that I have been in communication with that would remain in defiance of sanitary requirements; but I say I think it is nothing but equitable, that if they are called upon to relinquish their business, and to sacrifice their means of livelihood, they should have compensation given to them, and a place to carry on their business; for that is a most important thing. These businesses cannot be absolutely annihilated; that I think would amount to an absurdity.

109. Mr. *Adderley.*] Will you mention some other trades that are affected by this Bill besides that of bone-boilers?—There are bone merchants, soap manufacturers, tallow-melters, manufacturing chemists, prussian-blue makers, gut-spinners, and so on; the manufacturing chemists comprise the artificial manure manufacturers and a variety of other offensive businesses which are getting more important every day.

110. Mr. *Wilkinson.*] And market gardeners?—Yes, market gardeners are affected too.

111. Is it within your knowledge that many of the manufactories were established in the places where they are now, at a time when there were much fewer buildings around them than there are at present?—I have been in London only six or seven years, and therefore I cannot say as to that.

112. Mr. *Greene.*] But the yards where they deposit the bones have been occupied for those purposes for a long series of years?—Yes; some for nearly a century.

113. You mentioned the case of Hunt's, and you said that judgment was suspended in order to give time to the parties to remove the nuisance. Was any time specified within which that nuisance was to be removed?—It was put into

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into the hands of Dr. Taylor; he was to give them his instructions upon the subject. Dr. Taylor delayed doing it for something like two months, and then he fixed the time at a month; at least it was fixed at the Home Office. I believe that one month was given to mitigate the nuisance from the time when Dr. Taylor gave his instructions.

114. But the court, when they suspended the judgment, did not specify the time?—No.

115. Mr. *Knight.*] What steps were to be taken?—Dr. Taylor gave them instructions to put the bones into vaults, and to use chloride of lime repeatedly and to dry them rapidly, so that decomposition might not go on. Those were the main parts of his instructions to the bone merchants.

116. Mr. *Wilkinson.*] Most of those parties allow that their trades are offensive and disagreeable, but deny that they have any deleterious effect?—Yes, that is just so.

John Snow, Esq., M. D, called in; and Examined.

J. Snow, Esq., M.D.

117. *Chairman.*] DO you practise as a medical man in the Metropolis?—Yes, in Sackville-street.

118. You wish to give some evidence upon the Nuisances Removal and Diseases Prevention Act?—I have been requested to give evidence on behalf of the tradespeople in the south districts of London more particularly.

119. Upon what point?—I received a request from Mr. Knight. I was asked if I would give evidence on behalf of the manufacturers whose interests are threatened by the Nuisances Removal Act. I have not seen the parties, nor learnt any particulars. From my printed publication they have learnt that my opinion is, that measures necessary to protect the public health would not interfere with useful trades; and I believe it is on that account that they have asked me to give evidence on their behalf, and I have expressed my willingness to do so.

120. To what points would you desire to draw the attention of the Committee as regards the sanitary question?—I have paid a great deal of attention to epidemic diseases, more particularly to cholera, and in fact to the public health in general; and I have arrived at the conclusion with regard to what are called offensive trades, that many of them really do not assist in the propagation of epidemic diseases, and that in fact they are not injurious to the public health. I consider that if they were injurious to the public health they would be extremely so to the workmen engaged in those trades, and as far as I have been able to learn, that is not the case; and from the law of the diffusion of gases, it follows, that if they are not injurious to those actually upon the spot, where the trades are carried on, it is impossible they should be to persons further removed from the spot.

121. Are the Committee to understand, taking the case of bone-boilers, that no matter how offensive to the sense of smell the effluvia that comes from bone-boiling establishments may be, yet you consider that it is not prejudicial in any way to the health of the inhabitants of the district?—That is my opinion.

122. Mr. *Greene.*] Does that extend to all animal substances?—No; I believe that epidemic diseases are propagated by special animal poisons coming from diseased persons, and causing the same diseases to others, and that they are extremely injurious; but that substances belonging to animals, that is to say, ordinary decomposing animal matter, will not produce disease in the human subject.

123. Do you apply that, also, to decaying vegetable matter; do you consider that that will not be productive of disease?—I do not believe that decaying vegetable matter would be productive of disease; at least, it is a matter open for discussion whether certain decomposing vegetable substances, in marshy districts, may not produce agues; but in London, in any trade I am acquainted with, I do not believe that any decomposing vegetable or animal matters produce disease.

124. *Chairman.*] Take the case of a bone-boiling establishment, or a knacker's yard; assuming that there is a large number of horses in a state of decomposition, from which of course there would be very offensive effluvia, as far as the sense of smell is concerned, do you apprehend that that would not be prejudicial to the health of the inhabitants round?—I believe not.

125. Mr.

125. Mr. *Adderley.*] Have you never known the blood poisoned by inhaling putrid matter?—No; but by dissection wounds the blood may be poisoned.

126. Never by inhaling putrid matter?—No; gases produced by decomposition, when very concentrated, will produce sudden death; but where the person is not killed, if the person recovers, he has no fever or illness.

127. Mr. *Egerton.*] You mean to say, that the fact of breathing air which is tainted by decomposing matter, either animal or vegetable, will not be highly prejudicial to health?—I am not aware that it is, unless it be in such quantities as to produce actually fatal effects at the moment; but to produce those effects it requires that it should be highly concentrated.

128. Do not you know that the effect of breathing such tainted air often is to produce violent sickness at the time?—Yes, when the gases are in a very large quantity, as in a cesspool.

129. Do you mean to tell the Committee that when the effect is to produce violent sickness there is no injury produced to the constitution or health of the individual?—No fever or special disease.

130. Mr. *Greene.*] Are you not aware that persons going into vaults where there are a number of dead bodies have suffered very severely, and that sometimes death has been produced by this cause?—Yes, when those gases are extremely concentrated, they will actually poison a person and cause death, but not cause disease; those poisons do not reproduce themselves in the constitution.

131. Are you not aware that, in cases of this kind, illness has sometimes been produced from which persons have suffered for a considerable length of time before death ensued?—I am not satisfied upon that point. If illness has followed I think it has been a coincident.

132. Would it have occured without their having stimulated a disease within them by entering the vault?—I cannot answer that question strictly; there might in such a case be some specific poison from the human body which might produce the disease. In speaking of ordinary decomposing matters, I wish to exclude effluvia from typhus or measles, or other specific diseases.

133. Mr. *Egerton.*] You say that the effluvia arising from living subjects are dangerous?—Or even from certain persons who have died from disease.

134. Mr. *Wilkinson.*] But not from the mere decay of animal matter?—Not from the mere decay of animal matter.

135. You believe that if the gases engendered from the decay of animal matter struck a person in an extremely concentrated form, they might kill him just as a bullet would do?—If they were sufficiently concentrated they might.

136. But if they did not kill the person, they would have no ill effect?—No.

137. There would be no disease engendered afterwards?—No disease engendered.

138. *Chairman.*] I understand you to say that such effluvia, when highly concentrated, may produce vomiting, but that they are not injurious to health. How do you reconcile those two propositions?—If the vomiting were repeatedly produced, it would certainly be injurious to health. If a person was constantly exposed to decomposing matter, so concentrated as to disturb the digestive organs, it must be admitted that that would be injurious to health; but I am not aware that, in following any useful trade or manufacture, the effect is ever experienced.

139. You consider that occasional sickness would be of no consequence, but that only frequent occurrence of the attacks would be injurious?—I am not aware that occasional sickness is produced in any useful trade or manufacture.

140. Mr. *Egerton.*] Do not you know that the effect of a very strong offensive smell often is to produce vomiting?—The gases must be very concentrated to do that, except it be by a kind of sympathy. Persons are often much influenced by the imagination.

141. Where does your practice lie?—I am living in Sackville-street, Piccadilly.

142. Mr. *Wilkinson.*] I believe you are frequently in the habit of administering chloroform?—Yes.

143. And therefore your attention has been particularly called to the effect of the administration of gases?—Yes.

144. Have you turned your attention to the effects of the late outbreak of cholera in London?—Yes, I made special enquiries throughout Lambeth and Southwark and Newington.

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145. Have you satisfied yourself by those inquiries of any particular results of that outbreak of cholera, so as to state your opinion of what has been the mode of propagation of the disease?—I have satisfied myself completely, that the chief mode of propagation of cholera in the South district of London, throughout the late outbreak, was by the water of the Southwark and Vauxhall Water Company containing the sewage of London; and containing consequently whatever might come from the cholera patients in the crowded habitations of the poor; and I am satisfied that it spread directly from individual to individual, sometimes in the same family, but by similar means; that is, by their swallowing accidentally what came from a previous sick patient.

146. Do you believe that there is evidence to show that cholera has been propagated almost entirely by the poison being taken in at the mouth?—Yes.

147. Absolutely swallowed?—Yes, it is my belief in every case.

148. Mr. *Egerton.*] Has your practice lain much amongst the poor?—Not so much latterly as it did at one time; but it did very much till seven years ago.

149. In what district?—In a district near Soho-square, running as far as Seven Dials.

150. You have stated that in the course of your inquiries you satisfied yourself that water was the principal cause of communicating cholera, after the water had been impregnated by the existence of the cholera. Did you satisfy yourself what was the original cause of cholera in those persons who were not so affected by the water?—I consider that the last outbreak of cholera was introduced from the Baltic Fleet into the Thames. I consider that the cause of cholera is always cholera; that each case always depends upon a previous one.

151. You have stated that, in your opinion, these offensive trades have no injurious effect upon the health; will you state by what means you have arrived at that conclusion; whether it is by lengthened experience derived from medical attendance upon those who carry on these trades, or whether it is a theory?—It is derived in various ways, but chiefly rather in a negative way; from my having satisfied myself of other causes of disease quite independent of those trades; also from my general medical opinions, and also from my experience amongst tradespeople who have been exposed to those things.

152. As your medical practice has not been amongst men who follow those occupations, by what means do you arrive at the fact that their health is not affected by them?—I have attended people in every occupation, and my opinion is derived also from reading, and from personal information.

153. Is your opinion derived from practical experience, or is it mere theory of your own?—My theory is derived from practice, and from observation.

154. Will you state in what particular localities of London you practised as a medical man, so as to be able to express that opinion so confidently to the Committee?—My practice amongst the poor extended chiefly between the Thames and Oxford-street; I have not turned my special attention to any particular trades; I never was called upon, till two or three days ago, to consider this subject particularly.

155. The point at which we particularly wish to arrive here is the effect of particular trades upon the health of individuals. You say that you believe that these offensive trades have no effect upon the health of individuals; by what means do you arrive at that conclusion?—Partly by my own observation, partly by reading.

156. Will you state where your observation was obtained; because, in the locality that you mention, between the Thames and Oxford-street, there are few, if any, soap-boilers or bone-crushers, or any of those trades?—There are people who collect the bones in the rag shops; but in the hospitals I have seen patients from every part of London.

157. Has your attention ever been directed, as a medical man, to those particular parts of London about Bermondsey, and other districts, on the south side of the water; have you ever practised as a medical man there?—I have not practised there; I have visited patients there: but for several weeks in the last autumn I went to the houses of 700 people who had died of cholera, and I knew their actual occupations, and their age, as it was entered in the Registrar-general's Reports, and I examined the tables at the time.

158. In what part of London did you make those inquiries?—Throughout the whole of Lambeth, St. George's, Southwark, and the whole of Newington, and St. George's,

St. George's, Camberwell; I inquired respecting every case of cholera in the first seven weeks of the epidemic.

159. But you do not practice as a medical man in these particular districts?—No, I live in Sackville-street; I have lived there for three years; previously to that I lived in Frith-street, Soho Square. I did not attend those patients on the south side of London, but I went afterwards to the houses making inquiries, to find out the nature of their supply of water; and in doing that I learnt a number of other particulars about them. I always knew the occupation of the deceased person.

160. Mr. *Egerton.*] Do you dispute the fact that putrid fever and typhus fever hang about places where there are open sewers?—Sometimes.

161. How do you account for that?—It is a coincidence. Where there are open sewers you have mostly a number of people living together under such circumstances that they get fever, which is communicated from one person to another; very often the waters of the pump wells is impregnated with the excrements of the people, which soaks into the wells. And the general water supply in certain districts is also very bad.

162. Mr. *Wilkinson.*] Did not you make particular inquiries at the houses which were supplied by two companies which take their supply of water from different places?—Yes; the one is supplied from Battersea Fields, near Vauxhall Bridge, and the other from Thames Ditton.

163. Was there a very marked difference between them?—There was. In the first four weeks of the epidemic the mortality was fourteen times as great amongst the customers of the Southwark and Vauxhall Company, getting their water in Battersea Fields as in the other, taking into account the number of houses supplied by each company.

164. You have made very extensive statistical inquiry as to the diseases which you have mentioned?—I have.

165. Have you in any case traced the propagation of those diseases, or of the cholera, to the existence of offensive trades?—I have every reason to believe that those trades have not had any influence whatever.

166. In any single instance that you have visited in those places, were you ever able to trace any case of the propagation of disease by any of the offensive trades?—No; on the contrary, I am satisfied that such influences have no effect whatever. Last autumn there was not much cholera about Fore-street, Lambeth, and all that district. That district suffered extremely in 1849; but in 1854 it suffered very slightly. All the other facts remain the same; but that district is now chiefly supplied by the Lambeth Company with improved water.

167. Mr. *Langton.*] To what cause do you attribute the increased mortality in Millbank prison?—To the Thames water, got opposite; Dr. Baly stated, that after the supply of water was changed, the cholera ceased in four days.

168. But you think that that mortality was not increased in any way by the noxious vapours in that immediate neighbourhood?—That is my opinion.

169. Mr. *Greene.*] You are now confining your observations to cholera; but you are aware that Millbank prison has been an unhealthy place for many years?—The diseases reported at Millbank have been all diseases affecting the alimentary canal; dysentery, diarrhœa, and typhoid fever; those are the chief diseases prevailing there.

170. To what do you attribute them?—To the Thames water containing the sewage of London.

171. Is not a large portion of London supplied with water from the Thames?—Yes; but the water is got much higher up the river for the Northern District, except the Chelsea Company, who obtain it at Chelsea; but they have very large and extensive filters and reservoirs, and they supply water in a much purer state than it is supplied from the Southwark and Vauxhall Company: they rid it of a great part of the poison.

172. Mr. *Langton.*] Is it not possible that the same poisonous qualities which affect the water may be floating in the air?—That is possible; but I believe that the poison of cholera is either swallowed in water, or got directly from some other person in the family, or in the room; I believe it is quite an exception for it to be conveyed in the air; though if the matter gets dry it may be wafted a short distance.

173. Have you ever analysed the water which is obtained at the Penitentiary?—I have. I examined it with Dr. Baly, and we obtained a great deal of sea salt;

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salt; about as much as there is in the water of Southwark and Vauxhall Company. It was not perfectly clear, but it was pretty clear; morbid poisons cannot be detected by analysis.

174. Was the water which was supplied to the Penitentiary filtered water?—It was filtered water; it was filtered through sand and charcoal.

175. It was after the filtration that it was analysed?—It was examined after the filtration; it was not a complete analysis. It was not perfectly clear; but it appeared to be pretty clear.

176. But nothing was detected in that water?—There was organic matter, as shown by the change of colour on the addition of nitrate of silver; a sort of brown tinge was produced.

177. As you are not able to say what the analysis of the water was, how do you come to the conclusion that the mortality in the prison was caused by the supply of water?—I am assisted in this by a number of other facts; and also by the remarkable circumstance of the cholera ceasing, as I understood from Dr. Baly, four days after the Thames water was let off, and water was obtained from the Artesian well in Trafalgar-square.

178. Mr. *Greene.*] If the disease arose from the water, would not the state of health of the prisoners be pretty nearly the same throughout the whole year?—No. The introduction of an epidemic into London would increase the disease in the prison, if the poison was conveyed to the prison by the water.

179. Are you not aware that it is only at certain intervals that they have violent attacks of dysentery and diarrhœa in the prison?—It is in the character of epidemic diseases to prevail more particularly at certain periods.

Mr. *James Henry Frederick Lewis*, called in; and Examined.

Mr. *J. H. F. Lewis.*

180. *Chairman.*] ARE you a Solicitor?—I am.

181. Are you acting for any parties who are watching the progress of this Bill through Parliament?—I am.

182. Who are those parties?—Mr. Hunt, of Lambeth, Mr. Bevington, Mr. Kintrea, and some 20 others, who form the committee of the manufacturers' and traders' Mutual Protection and Defence Society.

183. And who carry on what are usually called offensive trades?—Just so; soap boilers, bone boilers, chemical and manure manufacturers, and others.

184. Are there any points in this Bill to which you desire to direct the attention of the Committee?—I should first of all, on behalf of the gentlemen whom I represent, oppose the Bill *in limine*, on the ground of its being such an interference with their trades, as would probably amount to an annihilation of them.

185. You object to any steps being taken to interfere with what are called offensive trades?—I object to this Bill on the principle I have stated. I do not object to any steps being taken for sanitary purposes, because the gentlemen whom I represent are not so dead to what the public requires as to wish to put themselves in total opposition to public opinion. They are willing that reasonable steps, having due regard to private interests, should be taken for the public benefit, but not such as are contemplated by this Bill. They object to this Bill because the Bill, as proposed to the House, will probably amount to an annihilation of their trades.

186. You say that you appear for some 20 persons who are connected with these offensive trades; and that whilst they object to the general principle of this Bill, yet they are willing to do all that they can to remedy the evils which are complained of?—Yes, undoubtedly; any proved evils.

187. Can you point out to the Committee, with regard to the trades which are carried on by those persons whom you have named, and for whom you appear, any steps which have been taken by them for the purpose of diminishing the effluvia and offensive smells which are occasioned by the carrying on of those trades?—I cannot in detail. I propose to place those gentlemen before you themselves, to give evidence upon that point; but I can only say, generally, that steps have been taken in various directions, both as regards their furnaces and as regards their method of carrying on their business, to mitigate the evils.

188. Within what period of time have those steps been taken with relation to the alteration of the furnaces?—They have been going on probably more or less since the passing of the Smoke Prevention Act of 1853.

189. Are

189. Are you aware whether any steps were taken in that direction to any material extent previously to the passing of the Act of 1853?—I am not aware personally that there were, except by very much heightening their shafts and so forth to meet the public requirements. But probably it was not till the Legislature interfered that decisive steps were taken generally. But upon those matters I have but little knowledge.

190. You are aware that the Act was passed in July or August 1853, and that it was not brought into operation till August or September 1854. Can you inform the Committee of any steps that were taken between August 1853 and August 1854, when the Act was brought into operation, and when the parties carrying on those offensive trades were brought before the justices for not having done anything to comply with the provisions of the Act?—That is not within my knowledge. I was not called upon to interfere on behalf of these gentlemen till a much more recent period. I have reason to believe that some of the larger houses of business had done so, but I believe that generally they did not take any steps till it began to be enforced.

191. What do you consider to be the great difference between the Act of 1853 and the Bill now before the House, beyond the powers that this Bill will give of more summarily dealing with these nuisances, if nuisances they are?—The Act of 1853, I have no doubt, was a great surprise upon the trades generally; under the title of that Act which professed to deal with smoke prevention, they were caught napping, if I may use the expression. That clause which enacted that any trades so carried on as to be an annoyance to the neighbourhood should be subject to the operation of the Act took them all by surprise, or I have not the slightest doubt that it would then have met with the same opposition which is now offered to this Bill. Probably it may be said that they would be to a very large extent under as much power by virtue of that clause as you propose to put them under by this Bill; but this being the time when the position of the law as to nuisance trades is being considered altogether, it is, they think, an advantageous time to have those trades put upon a proper footing with reference to this subject, and therefore the present opposition has arisen.

192. Your opposition is directed against this Act because it will enable more summary proceedings to be taken to enforce the objects of the Act of 1853?—No; our opposition is directed against this Bill, because now an opportunity is afforded to those trades by the Legislature of giving the opposition which they ought to have given probably when the Act of 1853 was passed, not so much as regards the prevention of smoke, as with regard to the stoppage of those trades which are an annoyance to the neighbourhood.

193. But I understand you to say, that there is no materially new power given under this Bill beyond what is given in the Act of 1853, except the greater facility of carrying out the objects of the Bill?—I am not aware that I can call your attention to any particular power that is given by this Bill that would have engendered the opposition that is now offered, if the spirit of the Act of 1853 is to be the law. As to the additional powers given here, I do not hesitate to say, on behalf of the gentlemen whom I represent, if that is to be conceded, that those powers would not be objected to. The powers are extended, no doubt, by this Bill. There is a prohibitory order against recurring nuisances, which is a great extension of the powers; but I do not mean to say that the gentlemen for whom I appear would object to that *per se*, it is in connection with the fact that their businesses are stopped, if you please, under the Act of 1853, that they object.

194. Then the fact is this, that the great objection entertained by those parties for whom you appear is to the Act of 1853?—Yes, as far as that Act can be made to apply to the parties whom I represent, and who reside in the metropolis, they are more directly brought under this Act than they are under that; inasmuch as they are only brought under that Act if the business be an annoyance to the neighbourhood, by the interference of the Home Secretary.

195. To how much greater an extent are they subject to penalties under this Act than they are under the Act of 1853?—I have already said that that is a question which I am hardly prepared to answer, not having compared the two Acts; but we say this is an opportunity which the Legislature has afforded us to consider the position in which the trades are placed. We complain of the Act of 1853, and this being the opportunity of doing so we take advantage of it. If the Legislature says the Act of 1853 being passed is irrevocably law, then our opposition

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opposition to a large extent falls to the ground; but we say that the Act of 1853 should not have been passed.

196. Is not your opposition, then, more directed to the Act of 1853, than it is to this Bill?—Quite as much so; because the Act of 1853 enacts the principle of dealing with the trades in an insidious and arbitrary way, by saying that any trade whatever may be shown to be an annoyance, and be summarily dealt with. Now we say that this Bill, in some of its clauses, extends that principle to other matters; but we should not complain of that alone, we complain of it in connexion with the Act of 1853, and we take this opportunity offered of opposing it here.

197. Then we are to understand that what you object to, in the main, is the Act of 1853?—That is the groundwork of our objection.

198. Your objection to this Bill is not as regards any new matter which is contained in the Bill, but because it offers greater facilities for putting the Act of 1853; into execution?—No; on behalf of the gentlemen whom I represent, it is not on the ground of the greater facility that we object, nor do I see clearly that there is so much greater facility given under this Bill than under the Act of 1853, because, under that Act, all that you have to do is to lay an information before a justice, and if it be proved (and the kind of evidence that appears to have been received in one or two cases, I must confess is very loose), if it be proved that the business is an annoyance to certain individuals, you are subject to a penalty of 40*s.*, or from that to 5*l.*, and the information may be daily renewed, and double the previous penalty inflicted.

199. Then to what do you specially object to in this Bill?—We object to this Bill, because now is our opportunity, as you are now considering these Acts, affecting the nuisance trades, as they are called.

200. You come here to give evidence on behalf of those whom you professionally represent upon this Bill, and I want to ask you to what you specially object as new matter contained in this Bill?—I do not say that in this Bill there is any special new matter to which we should object which is not in principle already in the other Act. We object to this, for instance, if the public health requires a business to be removed, there is no compensating clause in this Bill, no more than in the other.

201. There is no clause for compensation in the Act of 1853, consequently there is nothing now as regards that point in the Bill of 1855?—Just so; I am aware of that. Again, under the Act of 1853, the justices are the parties who are to determine upon the rights of the parties involving a great amount of property. So it is here; so that except in some points, which *per se*, as I have already said, I do not believe that the gentlemen with whom I am connected would care to interfere. This Bill is the same as the one of 1853. Except in so far as the principle of the Act which is already in existence is carried out here to a greater extent, I do not think they would object to the powers in this Bill.

202. Then admitting the principles contained in the Act of 1853 to be already established by the law, are there any suggestions which you desire to make to the Committee with reference to the provisions of this Bill?—That question confines me to the provisions of this Bill. The extra provisions of this Bill, except so far as they are carried out by the Act of 1853, are such, that unless the existing law could be operated upon also, the gentlemen whom I represent have very little to say in opposition to this Bill itself. But they would then be subject to informations under both Acts for the same kind of offences, which they also think is unjust.

203. Mr. *Egerton.*] You want to begin an opposition to the law which is already passed?—Certainly; that law was passed, we say, unknowingly to the trades that are brought within the operation of the Act, as respects the carrying on of their businesses. I may be permitted to say, by way of explanation, that the two Nuisances Removal Acts, which are being now consolidated, were always supposed by the trades not to be applicable to established trades; and that principle has, with very rare exceptions, been carried out. The magistrates, whenever informations have been laid under the Nuisances Removal Acts, have almost unanimously come to the conclusion that the Nuisances Removal Acts now in existence, were not intended to be applicable to established trades; that is to say, in dealing with accumulations, that where accumulations were upon the premises, *bonâ fide* for the purposes of trade, the Act was not applicable.

applicable. Now that Act of 1853, has, as we say, insidiously affected these trades, because the trades were not aware that the Act of 1853 went to the extent of bringing the trades within its operation, except as respects the emission of smoke from their furnaces.

204. But you are aware that the Act of 1853 is not referred to this Committee?—The Act of 1853 is not referred; but this Bill confirms that Act, and extends it to these trades, and this Bill is referred; and now is the time for us, if possible, to get our views introduced.

205. *Chairman.*] Are the Committee to understand that if the principle of the Act of 1853 is to continue, and if that Act is not to be repealed, then your clients do not see any very objectionable matter in the provisions of this Bill?—If the principle of the Act of 1853, is applicable to nuisance trades under the words "annoyance to the neighbourhood," I cannot at present say whether the gentlemen for whom I appear would object to the extra powers given by this Bill. I have not advised with them to that extent, because we imagined that now was the time to take the view which I have been endeavouring to lay before the Committee; I have not advised with my clients specifically upon the subject of the extra powers contained in this Bill. We all thought that now was our opportunity to see the trades called nuisance trades put upon a proper footing as regards the public at large.

206. Mr. *Freshfield.*] I understand you to say that you thought that the Bill now pending afforded you an opportunity of objecting to the Act of 1853?—That is the view that these gentlemen took of it; that now is the time for putting the carrying on of these trades on a proper footing; we are desirous of seeing either in this Act, or some other Act, the clauses contained in the Metropolitan Buildings' Act, relative to nuisance trades, made the law of England generally.

207. Mr. *Wilkinson.*] Whatever may have been the effect of previous legislation upon this subject, do you or do you not object to the enactments now proposed to be made in this Bill as regards these trades and businesses carried on in London?—We certainly do object to them, because they are carrying out still further, principles which we already object to as being in existence in the Act of 1853.

208. Mr. *Greene.*] Will you specify the alterations you would suggest in this Act?—The alterations I should suggest would be by the introduction of clauses which should meet the case of my clients, which clauses should be the spirit of the clauses contained in the Metropolitan Buildings' Act, which is already in force, I would alter the Bill now before the Committee by introducing such clauses.

209. Relative to what points; compensation?—Not so much compensation; that is a subsidiary question. The principal question our Committee is anxious to have settled, is, where parties may legally lay out their capital and be undisturbed in carrying on their business in future. The question of compensation is a subsidiary matter; but of course, on behalf of those whose trades the public health requires to be removed, we say, let them be compensated; but what we want on behalf of the nuisance trades, and on behalf of the public at large, is to know where those trades are to be carried on without impediment. The Metropolitan Buildings Act does afford such localities, and many of the gentlemen whom I represent have laid out large sums of money upon the faith of this Act of Parliament; one, I know, has done so to the extent of 5,000 *l.* or 6,000 *l.*; Mr. Smith, of Kensington, a tallow-chandler.

210. *Chairman.*] Which clause of the Metropolitan Buildings Act do you say does that?—Clause 55, of the 7th and 8th of Victoria, chapter 84.

211. Will you read that clause?—"And now for the purpose of making provision concerning businesses offensive and noxious, be it enacted, with regard to the following businesses, that is to say, blood-boiler, bone-boiler, fell-monger, slaughterer of cattle, sheep, or horses, soap-boiler, tallow-melter, tripe-boiler, and any other like business offensive or noxious, so far as relates to the erection of buildings in the neighbourhood of any such business, and so far as relates to the carrying on of any such business in the neighbourhood of any public way, or of other buildings of the first or dwelling-house class, that it shall not be lawful hereafter to erect any buildings of the first or dwelling-house class nearer to than 50 feet from any building which shall be in use for any such offensive or noxious business, but if a building already existing within 50 feet be hereafter burnt, pulled down, or destroyed by tempest, such building may be rebuilt; and that it shall

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shall not be lawful for any person to establish or newly carry on any such business either in any building or vault or in the open air at a less distance than 40 feet from any public way, or than 50 feet from any other such buildings of the first or dwelling-house class; and that if any such business be now carried on in any situation within such distances, then from the expiration of the period of 30 years next after the passing of this Act it shall cease to be lawful to continue to carry on such business in such situation save as is hereinafter provided." Now under that clause we contend that the Legislature enacted first negatively, and then affirmatively, that any nuisance trade might be carried on for a period of 30 years under this Act of Parliament from the 1st of January 1845, in the locality where it was, and that any new business might be established, so that it did not come within 40 feet of a public highway and 50 feet of a dwelling-house.

212. Now, will you go on to clause 56, to see what penalties the parties were subjected to; will you read that clause?—"Provided always, and be it enacted, with regard to any such offensive or noxious business, whether such business be now carried on at a less distance than 40 feet from any public way, or than 50 feet from any other building, or be hereafter carried on at a greater distance yet, so as to cause danger or annoyance, so far as relates to the mitigation of any penalty or punishment for unlawfully carrying on thereof." (But that would be contrary to the clause.) "That every such penalty hereinbefore imposed shall be enforceable only at a special sessions of the peace, summoned for that purpose, or on an appeal, as hereinafter provided, or on a trial, as hereinafter provided, and that notwithstanding the said term of thirty years shall have expired." Allow me to call the attention of the Committee to these words: we say, that by them we have a legal standing for 30 years; "and that notwithstanding the said term of 30 years shall have expired, if any party carrying on such business show, that in carrying on such business all the means then known to be available for mitigating the effect of such business in any such respect have been adopted, then it shall be lawful for such justices to receive evidence thereof, and according to such evidence to mitigate the penalty as to them shall seem fit." So that under that clause, even after the expiration of the 30 years, these businesses may be carried on; and if it shall be shown that every reasonable step known to science shall have been used, the justices may even then mitigate the penalty.

213. But the parties are, under any circumstances, to use all appliances that art or science may afford to mitigate the nuisance?—There is a further clause, which provides for those which the public health requires shall be positively removed within 30 years; they are to have compensation under clause 61. If a neighbourhood says, Notwithstanding you are not within the distance provided by the Act, you create such a nuisance that you must be got rid of, then by using the machinery of an Order in Council it may be got rid of upon the terms of compensation.

214. But is it not provided, in clause 61, that in the meantime they are to use all the appliances that art and science can afford for the mitigation of the nuisance?—Upon a hasty reading of that clause, I do not see anything that warrants that. It says, "And further, for the regulation or removal of any offensive, noxious, or dangerous business now carried on, be it enacted, with regard to any such business, so far as relates to the purchase thereof, or of the premises wherein it shall be carried on," that two-thirds in number of the inhabitant householders shall put into action the machinery provided; and that if it appears that it be offensive, noxious or dangerous, "and that there are no means of rendering it otherwise by the adoption of methods available without unreasonable sacrifice on the part of the person by whom it is carried on, then it shall be lawful for Her Majesty, by Order in Council, to direct that the removal of such business may be purchased either at the expense of the memorialists, or by means of a rate as aforesaid, as to Her Majesty shall seem fit;" and compensation shall be given, and the parties shall be paid, and even then they are not to go till the money is paid.

215. But they cannot get compensation unless two-thirds in number of the inhabitant householders shall consent to tax themselves for the purpose of giving compensation to the person that creates the nuisance?—Then they are not to be removed; they are to be located for 30 years under that Act. We say, that that Act has invited manufacturers to invest their money, and that they have invested it upon the faith of this Act. They have spent large sums of money upon their

places of business, and they did so upon the faith of a Parliamentary license to them of 30 years, unless they were removed with compensation; whereas, there comes the Act of 1853, which was introduced insidiously, unknown to the trades; and now comes the Bill we are at present considering, which is to corroborate that Act of 1853; and we say, that the further we get, the more difficult it will be to set that Act aside. If this Bill passes into a law, it will be another step in the wrong direction.

216. That Act of 1844 only applies to the Metropolitan District, and therefore the argument you are adducing now with respect to that Act, of course cannot be applicable to the rest of the United Kingdom?—That Act certainly is only applicable to the metropolis.

217. Supposing that words were introduced into the Nuisances Removal Act, which should provide that nothing herein contained should be construed to interfere with the provisions of the Metropolitan Buildings Act, would you not be placed in this position, that you would still be subject to the provisions of the Act of 1853, and be liable to prosecution under that Act as you are now?—No; because I think that the difficulty we are in as to the Act of 1844 is this: we have suffered an Act to pass the Legislature which contains a clause at variance with the Act of 1844, and which being enacted since, of course amounts to a repeal of those clauses in the Act of 1844; but if in this Bill we could get a recognition of the Act of 1844, we should be placed in the position that we were in before the Act of 1853 passed.

218. Supposing words were put into this Bill recognising the provisions of the Act of 1844, and making no reference to the Act of 1853, would you not then be subject to the provisions of the Act of 1853, notwithstanding the provisions of the Act of 1844 were not interfered with?—I should think not; that is a question that probably legal heads wiser than mine might then have to determine. I should say, that if the present Act recognised the Act of 1844, we should take our standing under this Act; and if any information were laid under that Act, we could claim the benefit of the Act of 1844, and that would be an answer to any such information.

219. But what you desire to press upon the Committee is the repeal of these provisions in the Act of 1853, in consequence of the previous existence of the Act of 1844?—To repeal the Act of 1853 so far as relates, not to smoke prevention, but to the carrying on of these businesses. There are some dozen words which were introduced (if I may say so) unexpectedly and unknown to the trades, and we wish to repeal those dozen words which bring the nuisance trades within an information, if carried on as an annoyance to the neighbourhood; we do not desire to interfere otherwise with the Smoke Prevention Bill.

220. *Chairman.*] The question which you desire that the Committee should take into consideration is this: whether or not they will come to the conclusion to repeal so much of the provisions of the Act of 1853 as relates to the offensive trades, leaving in force only that part of the Act which relates to smoke prevention?—It would amount to that.

221. Supposing the Committee should decide that they will not interfere with the Act of 1853, and that the principle laid down in the Act of 1853 is to continue in operation, then you do not see any new matter in this Bill which would be objectionable?—In answer to that, I only say that I am not prepared at this moment to give a direct answer to it, because I have not studied the effect of this Bill in connexion with that of 1853; therefore I should reserve my answer to that question. But I believe that if the Act of 1853 is to remain unrepealed, it matters very little to us whether this Bill passes; because we are equally within an arbitrary law, which evidently can annihilate our businesses without compensation; and whether it is done in a quicker way or in a slower way, the gentlemen whom I represent do not so much care. There is no doubt, we do strongly object to many provisions in this Bill, but, as you say, they are already to some extent enacted in the Act of 1853. We have a strong objection that the interests of such important trades should be decided by a police magistrate, or by two justices of the peace. That principle, however, is already enacted in the Act of 1853. We object to this way of dealing with businesses of this enormous amount, for most of those trades which are called nuisance trades involve the outlay of a large sum of money in order to carry them on. We are by no means fond of that principle, which is gaining ground, of dealing summarily with a matter instead of giving the parties an opportunity of having the intervention of

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a jury. We object to that, but not in this Bill more particularly than in the Bill of 1853. We say that the trades which I represent were not within the purview of the Acts which you are consolidating by this Bill. I do not hesitate to say that a large majority of the trade were caught unexpectedly by the Act of 1853, inasmuch as they supposed that Act had reference only to smoke, and nuisances arising from smoke. But the Act of 1853, owing to the words I have before alluded to being introduced, has been construed in such a way as to interfere with every business which is considered a nuisance business. I represent here, not only gentlemen carrying on those trades in London, but in England at large. And having spoken of the Act of 1844, the Metropolitan Buildings Act, which we desire to be followed so far as its spirit is concerned, I would again say that, we do not want to secure simply the trades in London, but we want the spirit of that Act enacted generally, so as to become the law of England.

222. Have you anything to say with repect to clause 31 of this Bill, which, you are aware, is a clause taken from the Towns Improvement Act, being the 104th section of that Act, and which is incorporated in every Town Improvement Bill which comes before Parliament?—That brings me back to the objection which I have already made, that legislation has been going on in an indirect way, and that the trades have not been sufficiently alive to the position in which they were placed.

223. Although that Act was passed in 1847, you are not aware of any objection having been taken to that 104th section of that Public Act, till the present time?—The fact is, that that Act has not been put into force until lately, when the fears arising from the cholera and other diseases have caused it to be put into force in a manner which has opened the eyes of the persons carrying on these trades to the difficulties of their position.

224. Then what you fear is, that this clause which has been embodied in that Act for eight years, will now be brought into operation?—We are afraid that it will be brought into operation in such a way as to amount to an extinguishment of the trades.

225. Can you suggest any means by which, the provisions of that clause may be brought into operation without effecting the result which you fear?—I cannot suggest any other means, than by enacting that which would virtually amount to a repeal of it; that is, enacting the spirit of the Metropolitan Improvement Act all over the country with reference to the nuisance trades, allowing them a reasonable time for carrying on their businesses in the present localities, and giving them compensation when it is considered imperative that they should be removed before that time expires, and assigning them localities where they may carry on their trades unmolested, upon the principle recognised in the Metropolitan Buildings' Act, and in the Metropolitan Interment Act; under which latter Act, if a spot is found at a certain distance from the Metropolis, and free from objection, it is provided that no neighbourhood shall be formed around it. In the Metropolitan Interment Act the Legislature has said, that if you can find a spot not within 200 yards of any dwelling, then, subject to the consent of the Secretary of State, and other matters, a cemetery may be erected there, and thereafter it shall be unlawful to bring any building within its neighbourhood, so as to form a neighbourhood which may be affected thereby.

226. But you are aware that, under the Metropolitan Interment Act, although parties having private burial grounds, and deriving large incomes from those burial grounds within the area of the Metropolis, petitioned Parliament, in 1852, to have compensation given them, no compensation was provided under the provisions of that Act, and that the burial grounds from which those parties derived incomes are shut up, and the parties are precluded from deriving any income from them in future?—It was so.

227. Therefore that does not offer you any precedent for compensation?—No, but I am quoting the Interment Act, to show that the Legislature has appointed for the public benefit localities where, subject to the provisions of the Act, such business may be carried on; that is, where interments may be carried on. And we ask the same on behalf of these trades; we say that otherwise, taking in connexion the whole of the Acts upon the subject, and particularly the intended Public Health Act, 1855, there will be no spot in England where it will be possible to carry on a trade which is a nuisance trade.

228. But with regard to the appointment of localities for the establishment of those cemeteries, am I not correct in stating that the Act of Parliament only goes

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to this extent, that it says, you shall not establish a cemetery or metropolitan burying ground within a certain area which is defined as the Metropolis; and that, after you have gone two miles from the Metropolis you shall not take any locality which has a house within the distance of 200 yards of it?—Yes; that is so.

229. If you were to carry that out with reference to these trades, it would come to this, that as regards the metropolis none of these offensive trades should be carried on within two miles of the metropolitan area, and that they should not be carried on within the distance of 200 yards of any house two miles beyond that area?—I quoted that Act merely as a sample, as giving measurements and distances which might be applied in spirit to the trades I am advocating. I merely quote the Interment Act to show that the principle has been recognised in that Act, that there are localities assigned where those businesses which are called nuisances may be carried on consistently with the public health. I do not appeal to that Act to say that that is the distance, and that those are the spots where these trades should be carried on. I ask for them to be carried on in the spots and in the manner set out in the Metropolitan Buildings Act, or as nearly thereto as shall be deemed advisable. With regard to cemeteries, you cannot erect a cemetery without the consent of the Secretary of State. But I merely quote that to show that the Legislature has provided in that Act, that a cemetery having been once established, a neighbourhood shall not be formed near it, so as hereafter to raise the question of nuisance. It is not lawful after that to erect any building within 200 yards of the cemetery. So that the Legislature has provided that that question shall not arise, by saying that you shall not make a neighbourhood around a cemetery; and this same course might be taken as to any manufactory where nuisance trades shall be carried on, which may be hereafter established.

230. The real ground of your objection is the existence of the Act of 1853?—No doubt it would resolve itself into that. So long as the Act of 1853 remains upon the statute book, we are in as bad a position as it is possible to be in.

231. Mr. *Wilkinson.*] You have told the Committee just now that this Act of 1853 has not been considered by the parties to whom its operation has been confided; that is to say, the justices, to apply to those trades and businesses?—No. I said that the existing Nuisances Removal Acts, now being consolidated by this Bill, have not been held, hitherto, to extend to trades and manufactures.

232. Are you of opinion, that when this Bill is passed it will be made to apply undoubtedly to these businesses?—Undoubtedly.

233. As far as that goes, the Bill will effect a great alteration in the position of your clients?—Yes, by bringing them under the information of two Acts, instead of one.

234. Is that consistent with the answer you gave just now, that they will be no worse off after this Bill is passed than they are at present?—Simply in this way, that the Act of 1853 is not one of those Acts; the Act of 1853 is a separate Act; that is the Smoke Prevention Act; and under that Act the magistrates have acted in inflicting penalties for the carrying on of the nuisance trades.

235. Supposing that this Committee should consider this as a Bill fit to pass; are you now prepared, or shall you be prepared at a future day, with any clauses which will have the effect, in your opinion, of modifying its effect upon these trades and businesses?—Certainly, I shall be prepared to do that.

236. Without altering the whole scope of the Act, so as virtually to repeal it?—I do not say that I could prepare any clauses which should meet the views of the trade, without to a certain extent repealing the words we object to in the Act of 1853. If that Act of 1853 is to continue on the statute book as law, and not to be affected by this Act, I could not prepare any clause that would meet the entire views of the trades.

237. Do you think that a clause providing for compensation under certain circumstances would be of any use to the trade?—Yes; as far as compensation goes, no doubt, if their trades are to be abolished, compensation should be given to them, and clauses could be introduced to that effect; but here again I am afraid (and I wish to put myself right with the Committee upon this point), that if I submit to the Committee clauses which should introduce compensation, that will militate against the Act of 1853, inasmuch as no compensation is provided for by it.

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238. You say that your attention has been drawn to the Public Health Bill, as well as this; are you not aware that the principle of compensation is recognised in that Bill?—No, I am not aware that it is.

239. Will you look at clause 149, and read that clause?—"Full compensation shall be made out of the general district rates to be levied under this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act; and in case of dispute as to amount, the same shall be settled by arbitration in the manner provided by this Act; or if the compensation claimed do not exceed the sum of 20 *l.*, the same may be ascertained by and recovered before justices in a summary manner." I should presume that that applies to cases where power is exercised by the local board for the purposes of public health as to the taking of land, and I am afraid that does not apply to the case of the gentlemen that I represent.

240. *Chairman.*] Is there any other point to which you wish to draw the attention of the Committee?—No other at present. Your summons reached me late on Saturday evening. Having engagements to-day, I have hardly had half an hour to prepare myself; but I believe that gentlemen will be tendered to you to give evidence on the subject, and I should like to have an opportunity of again appearing before you. There is one important point which Mr. Knight has just reminded me of, namely, that the Act of 1853 can only be brought into operation by the Secretary of State and police constables; whereas, under this Bill, a prosecution may be instituted by any person. Under Lord Palmerston's Act, individuals are so far protected from annoyance, that any prosecution under that Act is on public grounds, because it must be sanctioned by the Secretary of State.

Jovis, 8° die Martii, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Knight.
Mr. Wilkinson.	Mr. H. Gore Langton.
Mr. Freshfield.	Mr. Edward Egerton.
Mr. Irton.	Mr. Adderley.
Mr. Horsfall.	Lord Robert Grovenor.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Mr. *Alexander Macdougall*, called in; and Examined.

Mr. *A. Macdougall.*
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241. *Chairman.*] I BELIEVE you are a Chemist at Manchester?—I am.

242. We are informed that, in the year 1854, a deputation waited upon Lord Palmerston, in reference to a Bill which was then before Parliament relating to the removal of nuisances; did you form one of that deputation?—I did.

243. It has also been stated that some suggestions were made by Lord Palmerston, in reference to what appears as the 12th clause of this Bill, and that he agreed to the insertion of words to this effect, "Any decaying or offensive accumulation or deposit, such accumulation or deposit not being necessary to the carrying on of any manufacture, where such may be found;" do you recollect that?—Distinctly. I hold a copy of the Bill in my hand, in which his Lordship wrote the words which you have now read *(producing the same)*. Those are in his Lordship's handwriting.

244. You were accompanied then by Mr. Spence?—Yes.

245. He is one of the largest alum manufacturers in the kingdom?—Yes.

246. Is he here with you to-day?—He is.

247. Have you had your attention directed to the Bill which is now before Parliament?—I have.

248. In the 12th section there are the words, "Any offensive or decaying accumulation or deposit;" do you desire to have some qualification added with reference

to

to those words?—We desire to have a qualification similar to that consented to by Lord Palmerston last year.

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249. Would it be satisfactory to you if there was a proviso added, to this effect, "That any such accumulation or deposit actually necessary to the carrying on of any business or manufacture, be not deemed a nuisance under this Act, where it shall be proved to the satisfaction of the local authority, or the justices, that such accumulation or deposit has not been kept longer than is required for the purposes of carrying on the business or manufacture, and that the best available means have been taken for the protection of the public against any annoyance thereby"?—Those words we desire to have inserted; they would be quite satisfactory to us as to that part of the Bill, if they were inserted.

250. In clause 14, the local authority have power of entry under certain conditions for the purpose of grounding proceedings, and the words of the clause run thus, "For this purpose, when they or any of their officers have reasonable grounds for believing that any nuisance exists on any private premises, demand may be made by them or their officer, on any person having custody of the premises." I understand that you wish, that after the word "nuisance" in that clause, words should be put in to this effect, "causing effluvia or annoyance to that neighbourhood"?—We do, because if there be no smell proceeding from the premises, we conceive there is nothing to complain of, and there should be no power of entry, unless there be ostensible proof that there is a nuisance. Unless the neighbourhood shall be annoyed, we think there should be no power to interfere.

251. Those words would be quite satisfactory to the trade you represent?—Quite so.

252. Then we go on to clause 31, which you have told us is a clause taken from the Towns Improvement Act?—It is.

253. You object to that clause?—Yes, totally.

254. Can you suggest any clause which would satisfy the trades with which you are connected, and which would also be useful to the public as preventing annoyance and effluvia?—We suggest this to be substituted for clauses 31 and 32; "If any person shall carry on beyond the limits of the metropolis, any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance, every person so offending being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier shall, upon a summary conviction for such offence, before any justice or justices, on complaint of the local authority, forfeit and pay a sum not more than 5*l.*, nor less than 40*s.*, and upon a second conviction for such offence, the sum of 10*l.*, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction."

255. So far as you have now read, those are nearly the same words which are contained in the Act of 1853, which relates to the metropolis?—I believe they are. Then we desire to add this proviso: "Provided, always, that where means have been adopted for preventing or counteracting such effluvia or other annoyance, but there is a difference of opinion between the justice or justices, or the local authority and the person so proceeded against, whether such means are the best practicable, then the justice or justices shall give a certificate that such difference of opinion exists, and that question may be referred to scientific arbitration as hereinafter provided, and pending the decision of such arbitration, such trade or business shall not be interfered with."

256. The object of that proviso which you suggest, now, is, I apprehend, of this nature; that supposing a party is brought up before justices, under the provisions of the clause, and is convicted, and it shall appear before those justices that the best means have been used for the purpose of preventing the effluvia, then that the justices shall give a certificate that evidence has been given to that effect, and that the matter shall be referred to arbitration, and that no penalty shall issue in the mean time?—That no penalty shall be imposed if the best available means have been used, and that if there be a difference of opinion as to the best available means, that shall be decided by arbitration, and if the arbitrator decides that the best available means have been used, then no further proceedings can be taken in the case.

 257. Leaving

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257. Leaving the common law remedy still open to the parties?—Leaving them to the common law all the same.

258. If words to that effect are introduced, although they may not be in precisely the same terms as those suggested, you think that a proviso of that kind will meet the wishes of the trades on whose behalf you now appear?—Such is my opinion, and such is the opinion of the gentlemen who accompany me in this deputation.

259. You wish also to strike out clause 32?—Yes; clause 32 is unnecessary after the provision I have read.

260. Is there any other point that you wish to bring under the consideration of the Committee?—Only as to the arrangement of the mode of arbitration; that, of course, will be provided for in the ordinary form.

261. Mr. *Wilkinson.*] I understand that you have been in communication with a large number of manufacturers on this subject?—I represent a number of manufacturers who held a meeting in Manchester to consider this Bill, and they have sent two other gentlemen and myself here to represent them.

262. That meeting was constituted of a great majority of these manufacturers in the district?—Yes.

263. We understand from you that, provided those provisions are introduced into the Bill, those whom you represent have no objection to this Bill passing?—Such is my opinion.

264. Mr. *Langton.*] What towns does this deputation represent?—Salford and Manchester. There are chemical works in other towns, the owners of which were summoned to the meeting at which this Bill was considered.

265. Mr. *Adderley.*] Have you a Local Board of Health at Manchester?—We have a corporation at Manchester; we have no Local Board of Health.

266. What powers have the corporation for sanitary purposes?—They have the usual powers under the Corporation Act; they have sanitary committees.

267. Mr. *Egerton.*] Is not there a Manchester Improvement Act, a very recent Act?—We have a great number of Acts; we had one last year.

268. Mr. *Adderley.*] Does that consolidate former Acts on the subject?—Yes.

269. That is the local Act under which the town council act for all sanitary purposes?—It is.

Mr. *James Henry Frederick Lewis*, called in; and further Examined.

Mr. *J. H. F. Lewis.*

270. *Chairman.*] IT was intimated to you on Monday last that there was a disinclination on the part of the Committee to interfere with the provisions of the Act of 1853, but that they would be quite ready and willing to receive any suggestion you might desire to make with reference to the Bill which has been sent up to this Committee to be considered here; what suggestions do you desire to make?—The Committee understand, that I am merely acting as an agent. After the meeting of this Committee on Monday, I forthwith reported to the meeting of the committee for whom I appear here, and stated what I understood to be the views of this Committee, and I received their instructions not to prepare any clause at the present moment, because the gentlemen connected with the trades were desirous themselves to appear personally, and to give evidence before the Committee, and they thought that those clauses could not be so well prepared, till after their evidence had been given. I mentioned to them that the Committee had, as I understood from you, determined that clause 31 should not apply to the metropolis, but that the metropolis should be left under the Act of 1853. And I think they are unanimously of opinion that that would be, as regards the London trades, an injurious determination; because, though they do object to the present Act being brought into operation by means of an information which might emanate from private individuals, and would probably many of them prefer that the information should be put in motion, as it is provided by the Act of 1853, by the Secretary of State, yet they think that could be easily incorporated into this Bill, and that it would be better than making them an exception to this Bill, so that that object would be gained. Having heard the evidence which has been just given before you, I may say that I also accompanied the deputation to Lord Palmerston at the time when the Bill, in 1854, was introduced. We had two or three interviews with his Lordship, and at his suggestion we prepared, I think, two clauses to be introduced into the Bill which was then under consideration, called Lord Palmerston's Bill, the Nuisances' Removal Bill of 1854. And his Lordship then consented, as far as he could, without pledging himself,

himself, to insert the words which we sought to introduce into the third description of nuisances at page 3 of that Bill; so that the clause would run thus, "Where upon any premises any swine, cattle, or animal, or any accumulation of dung, manure, offal, filth, refuse, or decaying or offensive matter or thing, such offensive matter or thing not being absolutely necessary to the proper and effectual carrying on of the trade or manufacture on the premises where the same may be found, are or is so kept as to be a nuisance to or injurious to the health of any person:" If that qualification were added to the clause in the Bill now under the consideration of the Committee; that is to say, if to the words "Any decaying or offensive accumulation or deposit" in clause 12 were added the qualification "not absolutely necessary for the proper and effective carrying on of any manufacture on the premises where the same may be found," then a very vast amount of the objections of the gentlemen whom I represent would be removed.

271. The suggestion which has been made to us by the gentlemen who come from the North of England, is to this effect, that there shall be a proviso added to the 12th section of the present Bill (which corresponds with the clause in the third page of the Bill of last year to some extent), to this effect, "That any such accumulation or deposit actually necessary to the effectual carrying on of any business or manufacture, shall not be deemed a nuisance under this Act, where it shall be proved to the satisfaction of the local authority, or the justices, that such accumulation or deposit has not been kept longer than is required for the purposes of carrying on the business or manufacture, and that the best available means have been taken for the protection of the public against any annoyance thereby." Those are the words which were assented to by Lord Palmerston, and which appear in his own writing?—Yes; but I was also at the Home Office about the same time, and by his Lordship's direction prepared the clause which I have read, and which, with his Lordship's alteration in some little matter, which certainly was an improvement, he said he would hand to the gentleman whom he consulted upon the Bill, assuring me that in his view it was a proper clause to be introduced. But as I gather from the words which you have just read (though I do not wish to pledge the gentlemen till they have had an opportunity to consider their full effect), it seems to me to cover the object which they have in view, which is merely the honest protection of their trades without injuring the public health. There are gentlemen here, some of them representing the most important branches of these trades in the metropolis, who desire to offer evidence to the Committee, and I think that they should have an opportunity of considering the propositions which are now submitted by the Manchester gentlemen to the Committee.

272. The 12th section, as accompanied with the proviso which has been suggested to us by the Manchester gentlemen, would be applicable to the metropolis as well as to the provinces; would that satisfy you?—But we are under the operation of the Smoke Act of 1853, and the effect would be to put the trades in a better position in the country than they are in in London. The Act says, that "if any person shall, after the 1st day of August," not burn the smoke, "or shall carry on any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such smoke or other annoyance," and so forth; so that we are under that Act. I do not know what the Committee propose to do with respect to clause 31, as regards the country; but if the Committee are inclined to adopt the suggestion of the gentlemen from Manchester, I think the country trades would be under a better law than the London trades.

273. I understand you to desire that the metropolis shall be placed upon an equal footing with the provincial districts?—At all events, that we shall stand in as good a position.

274. You are aware that clause 31 is taken from a clause in the Model Clauses Act, which is applicable to a large number of towns in the kingdom; but you are not content with that, therefore the Committee propose to exempt the metropolis from that clause, and then it continues under the Act of 1853?—I must still recur to the evidence which I gave on Monday; I stated that the law by which the trades in London are governed, is to them objectionable, and clause 31 as it stands would be equally objectionable. It is now proposed to strike out clauses 31 and 32, and to substitute the clause suggested by the

Mr. *J. H. F. Lewis.* Manchester gentlemen; then, I say, that would put the Manchester gentlemen, and the country trades, in a better position than the town trades.

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275. When we met on Monday, we adjourned till to-day, to meet your requirements, and we suggested to you that you should, on behalf of the gentlemen for whom you appear, draw up such clauses as, not interfering with the Act of 1853, would meet your requirements. Are you prepared with such clauses?—If I am desired to prepare clauses which shall not interfere with the Act of 1853, as I have stated in my evidence, I admit that I can do nothing. The alterations which the gentlemen whom I represent require, must necessarily interfere with the Act of 1853, because, by that Act, their trades may be arbitrarily put a stop to.

276. Then you fall back upon the evidence which you gave on Monday to this effect, that what you object to is the provisions of the Act of 1853, and not the provisions of the Bill of 1855?—Decidedly, to a great extent, that is the fact. The alterations which we seek to have made in the clauses as to nuisances, must to a great extent nullify the Act of 1853.

277. Mr. *Wilkinson.*] Did you hear the clause which was read, which the Committee propose to introduce with regard to the provinces, and as to which Mr. Macdougall was examined, and on behalf of the Manchester gentlemen gave his assent to it?—I heard that clause read. I understand that it is a proposition made to the Committee, which will satisfy the Manchester gentlemen; but I am not prepared to say to what extent it will satisfy the gentlemen with whom I am acting.

278. Did you understand that that clause was very much to the same effect as the clause in the Act of 1853, but that there was a proviso added to that clause, which modified it to a certain extent?—I did.

279. Do you think that that clause and the proviso added to that clause would in some measure reconcile the parties whom you represent, to the Act?—In some measure it would. It would be an improvement upon it, decidedly.

280. Do you think that if that clause, or some such clause were proposed to the gentlemen whom you represent, it would enable them to cease from expressing any further objection to the enactments proposed?—As I act merely as their mouthpiece, I should like to have time to consult the gentlemen whose opinions I may be supposed to speak before this Committee. We are prepared with amendments to this Bill, but the gentlemen with whom I am acting are desirous of giving evidence before we submit the clauses to you.

Mr. *Archibald Kintrea*, called in; and Examined.

Mr. *A. Kintrea.*

281. *Chairman.*] ARE you a Soap manufacturer?—I am.

282. Do you carry on business in the metropolis?—In London; and I am interested in a soap manufactory in Liverpool.

283. In what part of London?—In Camberwell.

284. Have you had your attention directed to the provisions of the Nuisances Removal Bill of 1855?—I have.

285. What objections have you to this Bill?—I speak now on my own behalf as well as on behalf of other parties, with whom I have met several times to consider the provisions of this Bill, and who have done me the honour to give me their confidence in the matter; so that I speak for a large number of manufacturers, both in London and in the country.

286. Do you speak for persons connected only with the soap trade, or do you speak for others who are connected with other trades?—I speak for persons connected with many of the trades that would be affected by the provisions of the Bill.

287. Therefore, in giving your evidence, we may assume that you will be able to state what are the feelings of the trades generally in the metropolis in relation to the provisions of this Bill?—I think I can say so. The first great objection we have to this Bill is as to clause 31, which says, that "if any manufactory, building, or place of business be at any time certified before two justices, or one police magistrate, by any officer of health, or any two medical practitioners, to be a nuisance, such magistrate shall be empowered to order the owners of such premises to discontinue the business." Now, we have a very decided objection to that clause; and, as you have asked for clauses to be presented to you to-day, which would mitigate, in our opinion, the severity of this and other clauses, I should like to read a clause which I confess to have borrowed from the Public Health Bill of

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1855, but which I read as a clause of my own suggestion; I think it quite meets our case, and it is one with which we should be satisfied. In the Public Health Bill of 1855, clause 149, page 65, it is stated, "Full compensation shall be made out of the general district rates, to be levied under this Act, to all persons sustaining any damage by reason of the exercise of any of the powers of this Act, and in case of dispute as to the amount, the same shall be settled by arbitration." Now, on behalf of those gentlemen, I submit this clause to be appended to clause 31 of the Bill; in that case we think the severity of the clause, as it now stands, will be very much mitigated.

288. That is, you desire that a clause, which appears in the Public Health Bill of 1855, and which relates to compensation for the taking of land and matters of that kind, should be extended to compensation to persons who are dealt with as creating a nuisance?—Yes. We think that if the public demand private interest to give way to their requirements, none have a better title to compensation than we who carry on soap trades, bone trades, and chemical manufactures. We cannot see that the principle of compensation should apply more to one description of honestly invested capital than to another.

289. Are you aware that that provision of the Public Health Bill is applicable chiefly to taking land by compulsory powers, which are provided for in the Bill?—Just so; but this clause, 31, is a compulsory clause, and I submit to you that any one having 20,000 *l.* embarked in a business which can be taken from him under the operation of this clause, has as much right to compensation as a man who has 20,000 *l.* invested in land. It is private property, however invested.

290. You are aware that the common law applies to those who carry on offensive trades, and that parties who carry on those trades may be prosecuted under the common law, and those trades may be suppressed if it appears to the judge and the jury that they are a nuisance. And you wish that the parties should receive full compensation if their trades are suppressed, which are so determined to be a nuisance to the district?—We say, if the common law of the land is sufficient to deal with nuisances, let the common law of the land be left to deal with them; but if you are going to legislate in addition to the common law of the land, we wish you to introduce something which shall be a protection to fair traders, to those who may carry on a trade not destructive to health, although it may, perhaps, be offensive to the smell and senses of some. There may be many things which are offensive to the smell, which are not necessarily injurious to health.

291. Lord *R. Grosvenor.*] But you observe that the words of the clause are, "a nuisance, and injurious to the health of the inhabitants;" therefore that is a necessary condition to putting the Act into operation?—But it is left to one police magistrate to say what is injurious to health; it is part of our complaint that you do not give us a proper tribunal to decide what is injurious to health.

292. Are you aware that this clause, to which you are objecting, and which is the 31st section of this Bill, is copied from the Towns Improvement Act?—Yes; but that is an optional Act; that is not a binding one upon the whole empire; it is not compulsory like this. If this 31st clause is passed into a law, there is no option; any police magistrate, upon the complaint of an officer, will be empowered to say what is destructive to health.

293. But still such are the provisions of the Towns Improvement Clauses Consolidation Act?—I do not exactly know what the provisions are; if such be the provisions, we knew nothing about it when the Bill was being passed, or we would have opposed it; and so with respect to the Smoke Prevention Bill, we thought from its title it was a Smoke Bill only, but we find it is also a Nuisance Removal Bill. If the same clause was contained in that Act we should have opposed it then, just as we oppose this clause now.

294. In the 17th line, in page 14, of the Nuisances Removal Act, you will find these words; if any candle-house, &c., be certified to be "a nuisance, and injurious to the health of the inhabitants," the words of the Model Act are, "if it be certified to be a nuisance, or injurious to the health of the inhabitants;" therefore the present Bill makes the two things absolutely necessary, whereas, under the Public Health Act, only one of those points is necessary to be established; is not that a difference in your favour?—The word "and" is in our favour, but we object to the tribunal before which we are to be brought; we say

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that a police magistrate is not a fitting man to decide what is prejudicial to public health.

295. Lord *R. Grosvenor.*] Can you suggest any other tribunal?—I would suggest that, in the event of the party complained against being dissatisfied with the decision of the police magistrate, who, as a legal man, can know nothing of manufactures, he shall have a right to appeal to a jury of 12 of his countrymen, who will be more likely to take a common sense view of the matter, as they may be manufacturers, and will know more than a legal man can know of these things. We submit that we are entitled to such a tribunal; the commonest criminal at the bar is entitled to be tried by 12 jurymen.

296. *Chairman.*] Have you a clause which you propose to lay before this Committee with reference to section 31 of the Bill?—Yes.

297. Will you read that clause?—"That if after the passing of this Bill, all reasonable and proper means have been taken to abate any nuisance complained of to the satisfaction of two justices, with the right of appeal to a jury of 12 men, then no fine shall be inflicted, or order of abatement of business be made, unless pecuniary compensation be made to the party prosecuted." That I submit on behalf of the trades of London. The gentlemen on whose behalf I appear, as well as my own, have authorised me to say, that that is a clause to which we think in common fairness we are entitled.

298. What you suggest is this: first of all, that the case shall be taken before two justices, or a metropolitan police magistrate (which is equivalent to two justices under the law), and that if they shall convict the party supposed to be offending, that then the party so convicted shall have power to go to a higher tribunal, and have the case tried before a superior judge; and that then, if it be determined by the jury before whom the case is tried that the party has been properly convicted, then in no case shall the trade be suppressed, unless full compensation is given to the person who shall have been so convicted?—Precisely; we think that compensation should be given in all cases of trades established prior to the passing of this Act; that is, that this Act should not be retrospective in its operation, without compensation being given to those parties who are to be injured by it.

299. Mr. *Freshfield.*] Do you propose that compensation should be given in every instance in which a person carrying on an offensive trade is so interfered with?—In every instance in which the trade has been established prior to the passing of this Act.

300. In half a dozen different parts of the country?—I do not see that that will affect the principle.

301. Do you mean that you are to have compensation if you carry on business at six different places?—I mean that a party put down under the operation of the Act, should be entitled to have compensation in every case in which the business was established before the passing of this Act. We ask for compensation only for those who were established prior to the passing of this Act; if any were to begin now, they would not be entitled to compensation.

302. Mr. *Irton.*] You carry on business in London and in Liverpool?—In London, and indirectly in Liverpool.

303. Then your claim for compensation would be for the business carried on in each of those places?—Certainly. If I had 10,000*l.* laid out in each of those places, and had 20,000*l.* worth of property destroyed, by the Bill applying to both, it would not matter to me whether it was all in one place, or partly in one place and partly in another, the loss will still be the same.

304. Supposing the business was at three different places, then the compensation would be according to the amount of business that you carried on at each place?—Yes; if a man is entitled to compensation at all, he is entitled to compensation wherever his plant is interfered with.

305. *Chairman.*] I want to call your attention to the 49th section of this Bill, which runs thus, "Nothing in this Act shall be construed to impair any power of abating nuisances at common law, nor any jurisdiction in respect of nuisances that may be possessed by any local authority under an Act, intituled 'An Act to abate the Nuisance arising from the Smoke of Furnaces,'" and so on. I apprehend that while you object to these provisions in this Bill, you do not propose to interfere with the common law remedies for nuisance?—We have no wish to interfere with the common law, as respects nuisances; because we do not pretend to say that offensive trades should be conducted, rightly or wrongly,

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in defiance of the common law. We think, that if the common law as it exists is sufficient, it should be left to operate without the addition of this fresh Act of Parliament.

306. Supposing this Bill should be so framed as only to give increased facilities for putting into operation the common law, are the Committee to understand that you would still object to any such alteration?—Decidedly so. We think that greater facilities should not be given for the destruction of interests so large, so wealthy, and so important as the interests we represent. The destruction of interests of this magnitude should be gone about with very great caution and deliberation; we think that so far from facilitating or speeding their destruction, there should be checks interposed to those facilities, and that their destruction should not take place until the fullest consideration has been given to the subject.

307. Therefore, if under the existing law the process which it is necessary for the local authorities to take for the carrying out of the common law is difficult and expensive, you would object to any provisions in this Bill that should have the effect of making it less expensive, or more easy to carry the common law remedy into effect?—Precisely so. If the prosecution be to carry out a law that would result in the destruction of a large amount of property, we think that it is unfair and unwise to give to any one who might be actuated by malicious or spiteful motives, too cheap and easy a mode of gratifying his spite. We think that it should be an expensive and troublesome thing for any one to undertake a prosecution that should have the effect of destroying his neighbour's business.

308. The sum and substance of your opposition to the Bill is not to the common law as it stands, but to the power given by this Bill of putting the common law more easily into operation?—Unless compensation is given, unless it is accompanied by clauses providing that we should have an appeal to a jury, who should decide both as to the danger to the health and the compensation. Furthermore, I should like to state with reference to the Bill in question, that we think there might be an amendment of that portion of it which creates inspectors of nuisances, or parties who are to give evidence as to what is a nuisance, or to make complaints. We think that an amendment ought to be introduced in that clause to make it more equitable.

309. Under section 13, the local authorities are empowered to appoint inspectors of nuisances; do you desire to make a suggestion with reference to that clause?—Yes.

310. Will you state what it is?—It is that the inspectors of nuisances should be legally qualified medical practitioners, or other properly qualified persons, who have undergone an examination and have been certified as capable and fit to give evidence upon complaints as to nuisances. We think that men are sometimes appointed through favour or through patronage, who are quite unfit to decide or to give evidence as to what is a nuisance, and injurious to health; and we think there should be protection given to parties whose interests may be affected, by providing that the inspectors who are to be called into existence by this Bill should be properly qualified persons, who may be supposed to know what they are about, and who would not be likely to make complaints without due cause.

311. You do not object to the inspectors of nuisances being appointed for the ordinary class of nuisances; but that when offensive trades have to be dealt with, they should be dealt with by a person who has been a medical practitioner?—Or some properly qualified person, who shall be certified by some tribunal, or some authority, as competent to be a nuisance inspector, and to give evidence upon the subject.

312. If a medical practitioner is a properly legally qualified medical practitioner, you are aware that he receives a certificate from the College of Physicians, or the College of Surgeons, before he acts?—I am.

313. That is what you require?—That is what we require.

314. Are you aware that that is provided for under this Bill?—Not in this clause; I was alluding to clause 12, page 5, line 35.

315. The Committee are to understand, then, that what you require is, that when an offensive trade is to be dealt with, the person who shall deal with it in the first instance shall not be the ordinary inspector of nuisances; but a person who shall have received a certificate empowering him to act as a medical practitioner from either the College of Physicians or the College of Surgeons?—Yes, that is my suggestion.

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suggestion. From having been a Commissioner of Improvements in one of the parishes of London, where we had nuisance inspectors, I had an ample opportunity of seeing that the parties employed were often totally incompetent to the discharge of the duties, and I formed a strong opinion that a nuisance inspector should be a man of much superior education to what those persons usually are.

316. Will you turn to clause 31 of the Bill, page 14, you will see that it is there provided that proceedings must be taken on a certificate to the local authority, "by the officer of health, or medical officer, or any two legally qualified medical practitioners;" that you do not object to?—I do not object to that; but there is another clause which has not that proviso.

317. Provided that the proceedings are to be instituted in the first instance by the persons who are specified in the 16th and 17th lines of section 31; then as far as that goes you do not object?—No; because the more intelligent the officer of health is, the more chance we think there is of having a fair consideration of our trades. If he is an intelligent man, he will discriminate between those trades which are not injurious to health and those which are; we think that the more intelligent the man we have to deal with, the better it will be for us. As I have stated, we oppose any great facility of destroying businesses; we wish to counteract the speed and facility which the Act provides; and in order further to check this facility, we should like to have introduced a clause somewhat to this effect, that "if any proceedings taken under this Act can be shown to be malicious or spiteful, the same shall be quashed at the expense of the prosecutor."

318. Are you aware that there is any precedent for such a clause as that in the statutes?—I am not aware whether there is; I am not well acquainted with the statutes; but I will give you a case of my own, which will bear out the full justice of what we ask: an information was once laid against me when I had a soap factory in Bermondsey, and I found that the active person in that information was a medical practitioner. I had done him a supposed injury once, by refusing to pay his bill, an overcharged bill which he sent in to me, and from the time of my objecting to pay his bill, he was unfriendly to me.

319. You say he was an educated medical man, therefore that case is not very favourable for the provision you have been contending for?—You will find amongst all men, even educated men, black sheep; but we think that, generally speaking, the more educated a man is, the better he is for our purpose, and the better he is for the public purpose; I think that all experience would show that a check of that kind is necessary.

320. Supposing this course was to be taken, that there should be provisions inserted in the Bill to this effect, that on the representation and the certificate of persons of that class to whom you do not object, and who you think are proper persons to institute such proceedings, it should be determined that the parties should have the power of going before justices, that the justices should then hear the case, and determine, and carry it on to conviction, if they should think proper to do so, and that then the party convicted should have the power of appealing either to the court of quarter sessions, or, if the court of quarter sessions is objected to, to one of the higher courts of judicature; what objection, if any, would persons in your position have to such a proposition as that?—Persons in my position, in danger of having a conviction by a police magistrate or two justices, which would go to the entire annihilation of their plant, which is very costly, and their business, which to them is the means of living, would fly to any tribunal which would give them the slightest shadow of a chance of getting away from the utter ruin which such conviction would entail upon them. I speak strongly upon this, but I speak the feelings of a great many of the manufacturers, when I say that it is their unanimous opinion and desire that there should be such a tribunal to appeal to; that there should be the right of appeal from the conviction of a police magistrate, who they think is not a competent person to decide the case.

321. Supposing that, under such a certificate as that to which you have referred, the local authorities should have the power, under the provisions of this Bill, to go before two justices or a metropolitan police magistrate (which, under the law is equal to two justices), and that the justices or justice should have the power of convicting the party who is complained of, as being an offender, if they should think fit, and that then, after having that conviction determined by those justices or justice, there should be a power of appeal to a higher tribunal, what objection would there be as regards the offensive trades (not common nuisances)

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on the part of those carrying on these trades, to such provisions being inserted in the Bill?—No objection; on the contrary, it is their desire that there should be such a provision for appeal.

322. Would they be satisfied with such a provision?—I have no hesitation in stating that if such a provision were placed in the Bill, it would give a very large amount of satisfaction to manufacturers and traders; I believe that even if you leave compensation out of the question, they would be very much content to take their chance before 12 of their fellow countrymen. If such a provision be inserted in the Bill, it will give an amount of satisfaction of which perhaps you can form very little idea; I speak strongly, because I know the feeling of the traders generally, whom I represent, and I know that it would give a very great amount of satisfaction.

323. I wish you distinctly to understand that what I have said, refers only to what are called noxious trades, not to ordinary nuisances?—So I understand it; not to accumulations of filth which are notoriously offensive; we take no notice of those; my evidence applies only to useful trades and manufactures that are carried on for industrious purposes.

324. Mr. *Wilkinson.*] I understood you to say, that if an appeal was given in these cases, you would no longer entertain any objection to the 31st clause of this Bill?—I should not say that; I should say that, coupled with compensation, we should no longer have any objection to that clause.

325. What was the result of that information against you which you have mentioned; were you convicted?—I am happy to say that it broke down before it reached conviction.

326. Did it cause you any expense?—It caused me expense, because I had to employ parties prospectively to give evidence.

327. Did it cause you considerable expense?—It caused me a great deal of anxiety, and some expense.

328. Would it not be important to have a clause introduced, that in cases where a failure took place in such convictions the costs should be paid by the party instituting the proceeding?—Undoubtedly; I think that is only common fairness.

329. Do you know what number of trades are likely to be effected by the operation of this Bill in the neighbourhood of London?—Many hundreds; I should think a thousand at the very least. I do not speak from very accurate knowledge; but I am sure that I am making a fair approximation in saying that the number of these traders cannot be less than a thousand in London and the neighbourhood. There are probably many more.

330. Including melters?—Melters and leather dressers, and soap makers, and bone-boilers, and candle manufacturers, and artificial manure manufacturers of various kinds.

331. About how many people do they employ?—Very few factories, of any importance, employ less than 10 or 12 workmen, and many employ 40, 50, or 60 workmen. There is a friend of mine in this room who, I think, employs upwards of 300 men and women.

332. Then, it would not be an unreasonable calculation to multiply the number of manufacturers by 10 or 15 to get at the number of workmen?—More than that, I should think, are connected with those trades, on the average, because they ramify very much; and I think there cannot be less than 50,000 parties in London and within 20 miles of London employed in those trades; and these people and their families would, for a time, be deprived of the means of living by the annihilation of these trades.

333. Lord *R. Grosvenor.*] There is a large amount of capital embarked in these trades?—There is a very large amount employed in machinery, besides floating capital.

334. Mr. *Wilkinson.*] A great number of these trades have been established while the common law has existed as it now does, with reference to nuisances?—Yes.

335. Then those manufactories have been erected with a knowledge, on the part of the owners, of the state of the common law?—Undoubtedly.

336. They have trusted to the difficulties occuring in setting the common law in motion as a sufficient guard to them against vexatious proceedings?—Precisely.

337. Therefore you apprehend that any increased facilities given to a process of

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of this sort would act as a positive injury to the trades concerned?—Decidedly so.

338. With regard to the clause which you propose for compensation, you would not expect that it should apply to persons now setting up manufactories, or within a short period?—I think it should not, because they set up those manufactories in the face of these intended alterations.

339. Do you think that a clause of this sort would satisfy the parties concerned if it were inserted as a proviso to clause 31. "And provided further, that if it also appears to such justices that the business complained of has been carried on in the same premises for a period of ten years or more, the said justices shall award to the person so complained against, such sum of money as compensation, either for the discontinuance or remedy of the nuisance, or for the adoption of means ordered for its mitigation, as the case may be, as such justices shall deem fair and reasonable; and such justices shall order the local authority to pay such sum of money to the person so complained against, within such time as they may determine; and in default of payment thereof within the time ordered, the same may be recovered with full costs of suit against the local authority in any of Her Majesty's superior courts of record at Westminster"?—I think that would give great satisfaction. That would meet the case.

340. Do not you think that one effect of a clause awarding compensation, would be to save the parties concerned from vexatious proceedings, be causethe local authorities would not be disposed to proceed against parties with the prospect of being called upon to give compensation?—I think that if it was known that compensation must be given, no trade would be prosecuted, unless it was a trade that had become intolerable, and was evidently destructive to health.

341. With respect to the case which you have mentioned in which you say that that you were proceded against, as you believe, from malicious motives, and in which you were put to considerable expense, although the case broke down, would it be in your opinion, desirable to have a clause to this effect: "That in all cases in which such proceedings shall be taken against any person under the powers of this Act, or on which any person shall be so summoned to appear before the justices, in case the local authority shall fail to prosecute such proceedings, or in case the said justices shall dismiss such summons, or shall not make any order thereon against the person so complained against, the said person so complained against, shall be entitled to receive from the local authority all reasonable costs and expenses from time to time incurred by him in and about the said proceedings or summons or incident thereto; and the same may be recovered by him from the local authority by action or plaint in any superior or county court." Do not you think that such a clause would have the effect of protecting parties in this respect?—I think it would; I think it is a very reasonable clause; nothing more than common fairness.

342. You are a soapboiler; your trade, of course, produces disagreeable effluvia?—I rather like it myself.

343. You do not mean to say that people generally enjoy it?—Yes, I do; speaking of mere soapboiling, because a good many persons have been in the habit of visiting my factory during the last seven years, and amongst them some ladies. I have a good many country acquaintances, and I have been in the habit of taking them to see my factory, and I never found even any lady (and that has surprised me), who exhibited any dislike to the smell. They have been there at the time of soap-making; I have asked them to step on the platform, and to put their nose over the soap copper when the soap boiling was going on with intensity; and I have asked them, "Do you find anything to object to?" they said, "Nothing at all." The parish officers themselves on more than one occasion favoured me with a visit, and I put them through the same process; I asked them to put their nose over the pan. And no one ever found any fault with the smell. There is no doubt that there are some branches of the trade that are offensive to the senses, such as melting decaying animal matter, such as refuse fat. No doubt that makes an offensive smell; whether it is injurious to the health, I cannot pretend to say. But the simple process of converting grease into soap by chemicals in my judgment is neither offensive to the nose nor injurious to the health.

344. With respect to the question of injuriousness to health, do you live upon your premises?—As respects its being injurious to health, I may mention that two or three years ago I carried on the business of a bone-boiler as well as a soap-maker, and at that time, when carrying on both businesses, I lived on the

premises,

premises, and I had two little children, the eldest being three years old, living on the premises; and I must say this, now that I have gone to a healthier place, as it is supposed to be, my children are not nearly so healthy as they were then. They used to run about the yard, and they got quite fat, and strong. In the year 1849, when the cholera was so destructive in Bermondsey, while dead bodies were being carried past my factory from the houses near, and when there was so much bad drainage in the neighbourhood, in no case had any one of my workmen or workwomen an attack of cholera, and I have never known them have an attack of fever, nor to suffer from diarrhœa, when other people were suffering from it. Therefore, I believe that these trades, though some of them may be offensive to the smell, are not necessarily injurious to health.

345. Mr. *Horsfall.*] How many hands did you employ at that time?—At the time of the cholera I employed about 23, I think, and amongst them there was no case of cholera. At that time I lived on the premises with my family.

346. *Chairman.*] I understand you to say that you do not object to a provision of this sort, "That if any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any manufactory, building or place used for any trade, business, process or manufacture, causing offensive effluvia, be at any time certified to the local authority by any officer of health or medical officer, or any two legally qualified medical practitioners, to be a nuisance, and injurious to the health of the inhabitants, the local authority shall direct complaint to be made before two justices." So far as that goes, you see no objection?—No; as far as it goes.

347. "And any justice may summon before any two justices the person by or on whose behalf the work complained of is carried on, and such justices shall inquire into such complaint, and they may, by an order in writing under their hands, order such person to discontinue or remedy the nuisance within such time as to them shall appear expedient." That you would object to?—Yes.

348. But that which you would not object to would be, that they should, upon hearing the case, have the power of convicting the parties so offending in a penalty, if they should think that they were deserving of conviction, with a power to the party so convicted to appeal from that conviction to the court of quarter sessions?—To a jury; we should consider that a boon, and a great improvement in the Bill.

349. You think that that would satisfy the fair requirements of the trades?—To that extent it would be considered a great gain, and an immense improvement on the present legislation. We should like it to go a step further, and to give compensation; but to the extent you have read, if that were introduced into the Bill, we should consider that we were dealt with in a very fair and equitable spirit; we should be very much pleased indeed. We have a strong opinion, that where trades have been established long before these Bills were thought of, the owners are entitled to compensation if their trades are to be destroyed.

350. But putting the question of compensation aside, and leaving it to the Committee to consider whether they would deem it advisable to submit to the House of Commons a clause for compensation, you would be content with the provisions of a clause such as that which I have now read to you?—Very much indeed; especially if there were added to it a clause respecting the payment of costs, in the event of the failure of the proceedings; a clause which should provide, that in case the defendants succeed, they should have no expenses saddled upon them; I have known parties who have defeated a prosecution, and yet had to pay heavy costs. In my case the prosecution did not go on; it stopped, but I could not recover the costs I had incurred; and in a case of that kind, I think I ought to have been entitled to have made the prosecutors pay the expenses they put me to. I am quite satisfied with the clause which has been read.

351. Are there any other points that you wish to bring under the consideration of the Committee?—I have nothing more to say, except that I would ask the Committee to give their serious consideration to the compensation clause, on account of the immense amount of capital involved, and the number of people, amounting to 40,000 or 50,000, carrying on trades which this Bill might destroy. The only other point I would press upon the Committee is this, that

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that if you adopt the principle of appeal, you should make it apply to the whole kingdom, including London, because if you do not make the provision of appeal apply to London, we are at the mercy of the Act of 1853, which has been exceedingly severe, which has been very destructive, and which may this very year be the ruin of hundreds in London: I imagine that if the proseecutions go on this year as they did last year, many men will be utterly ruined, unless this right of appeal be extended to London. We think it is very unfair that the country manufacturers should have any advantage over those in London; if the right of appeal be good for the country, it is equally good for London; there seems to be no fair ground for making any distinction. The appeal should be applicable to London as well as to the country; that is a point to which I attach very great importance, because there are probably 50,000 persons employed in these trades in the metropolis and its neighbourhood.

352. Mr. *Irton.*] Would you apply that also to towns as well as to rural districts in the country?—Yes, every where; if a man is entitled to the right of appeal, he is entitled to it whether he lives in London or in the country; the principle must be the same.

353. *Chairman.*] I understand that you assent to a proposition of this nature. That the local authorities, on the certificate of a medical man, or two medical men, should have the power of taking proceedings against a person who they think carries on an offensive trade, and is a nuisance in the neighbourhood; that the case shall then go before the justice or justices, and that in case of conviction, the parties shall have a power of appeal against the decision of the justices. I understand that you assent to that proposition as far as it goes?—Provided it is extended to London.

354. Generally speaking, you approve of it, and as regards the provinces, you approve of it entirely?—Undoubtedly.

355. The only points that you desire to have open for consideration are these two: first, that we shall make that provision applicable to the metropolis as well as to the provinces; and secondly, that we shall give you compensation in case of the trade being stopped or interfered with by order of the higher tribunal affirming the conviction before the justices?—Those are the two points; I quite understand the way in which you have placed my views, and if you cannot give a compensation clause, at all events I would say, do let us have the equitable clause of an appeal in London as well as in the country.

356. Mr. *Adderley.*] You do not care whether the appeal is to the quarter sessions or to the Queen's Bench?—We do not want an expensive tribunal; I apprehend that the quarter sessions would be the least expensive.

357. Mr. *Wilkinson.*] Can you state that you speak the sentiments of all the persons who carry on these trades?—I think I am authorised to speak on their behalf; I was placed in the chair at one or two of their meetings, and in that capacity I consider myself authorised so to speak.

Lunæ, 12° die Martii, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Egerton.
Mr. Freshfield.	Mr. Irton.
Mr. Wilkinson.	Mr. Horsfall.
Mr. Thomas Greene.	Lord Robert Grosvenor.
Mr. James MacGregor.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Joseph Maynard, Esq., called in; and Examined.

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358. *Chairman.*] I BELIEVE you are a Solicitor?—I am.

359. You appear here on behalf of persons who apprehend that they may be aggrieved by the provisions of the Nuisances Removal Bill?—I do.

360. Have you seen the outline of a clause which was placed in the hands of some

some parties who believe that they are affected by the Bill on Thursday evening, after the Committee broke up?—That was a clause altering clauses 31 and 32; I have seen that.

361. What are your objections to the provisions of that amended clause?—The principal objection to clause 31 as amended is, that the jurisdiction given to the magistrate does not follow out the certificate required from the medical officer making the complaint; what we were desirous of introducing was, that as the medical officer is to certify certain things which he considers to be the subject of complaint under the Act, the inquiry by the justices should be to decide whether that complaint is well founded, and that the inquiry of the justices should follow the terms of the complaint made by the medical officer. In the clause as it stands now, the complaint is one thing, the inquiry before the justices is another; the inquiry before the justices introduces a ground of charge which is not embraced in the inquiry made by the medical officer under which the complaint is made.

362. Mr. *Egerton.*] You would limit the inquiry before the magistrate to the grounds stated in the certificate?—Just so; the inquiry should be as to whether the charge is well founded.

363. And they should not be allowed to go into evidence of anything else, excepting as to what is embodied in the certificate?—Precisely; in the printed clause the medical officers are to certify that any business, and so on, is a nuisance and injurious to the health of the inhabitants. Then let the justices inquire whether it be a nuisance, and injurious to the health of the inhabitants. Then in the amended clause it is altered "to be a nuisance or injurious"; it stood before "and injurious"; and then the inquiry to be made is whether the party carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants. That alters the whole character of the case; the first inquiry being whether it is a nuisance, what is a nuisance being previously defined; and upon that subject I believe the Committee has agreed to alter in part the interpretation of a nuisance; because although clause 12 is not directed against trades, still the words used are such, that unless some qualification is put in to the effect that they are not to apply to trades, they will apply to trades as well. I believe the Committee have sanctioned that these words should be added to it, "any decaying or offensive accumulation or deposit which should not be necessary for the purpose of carrying on the trade, or which should not be kept longer than required."

364. *Chairman.*] The words suggested were these: "Provided always, that any such accumulation or deposit actually necessary to the carrying on of any business or manufacture be not deemed a nuisance under this Act, where it shall be proved to the satisfaction of the local authority or the justices that such accumulation or deposit has not been kept longer than is required for the purposes of carrying on the business or manufacture, and that the best available means have been taken for the protection of the public against any annoyance thereby." Would those words meet your view?—With the exception of those last words that would do; that part which provides for the protection of the public would come in then under clause 31, but the first part of it, which provides for the protection of trade, will meet the views of the trade.

365. Now we will go back to clause 31. What have you to say with respect to that?—Then in clause 31, taking the altered clause, the inquiry by the medical officer is to be, whether it is a nuisance, or injurious to the public health, instead of a nuisance and injurious, as it stood in the printed Bill; and then we propose by our altered clause that the justices shall inquire into the complaint; "and if it shall appear to such justices that the person complained against carries on any trade or business which is a nuisance, and occasions any noxious or offensive effluvia injurious to the health of the inhabitants, without using the best reasonably practicable means for preventing or counteracting such effluvia, the said justices may, by an order in writing" (taking up the words of the printed clause), "under their hands, order such owner or occupier to discontinue or remedy the nuisance within such time as to them shall appear expedient: Provided always," and so on; taking the proviso as it stands in the printed Bill, that if it appears that they are not using the best means, then they shall give them time to adopt them. Then we propose to leave clause 32; the penalties are perfectly unmanageable; to subject the parties to penalties, doubling each time the preceding penalty, would take a man's whole fortune.

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366. If the cumulative penalty which is provided under the Act of 1853 were restricted, so that it should not exceed a certain sum, your objection would be very materially removed?—Yes; no doubt it would.

367. Supposing that a person creates a great nuisance by a most offensive smell, and it should not be proved to the satisfaction of the justices that that smell so created is injurious to the health of the inhabitants, do you mean to intimate to the Committee that the person so creating that nuisance is not to be punishable under this Bill?—No doubt that would be the effect of putting it so; that it should be required to be both a nuisance, and injurious.

368. But however offensive the smell may be, a person is not to be punished for creating that offensive smell, according to the alteration of the clause which you suggest?—That no doubt would be the effect; I should state that those are the words in the printed Bill.

369. Those were the words in the printed Bill, because these words and the whole clause are taken from the Towns Improvement Clauses Act (which embodies a great deal more than that which we propose to do in the Amended Bill), and it was connected with the full continuance of the Act of 1853, making the case a very different one. But if the clause is to be altered, then it becomes reasonable that some protection should be provided for the public against the creation of these smells which are most offensive and obnoxious to the neighbourhood. How do you propose to provide for that?—I suppose the gentlemen who carry on the trades I represent, from which there may be smells which are not injurious to health, but which are necessarily incident to the carrying on of their trades, would not consider that that was a case requiring legislative interference. There are certain trades which cannot be carried on without emitting some sort of effluvia, but not injurious to health. Therefore if persons go and court them, by going to reside near the places where that business is carried on, the tradesman would consider that they had come to him, and that he did not go to them.

370. Supposing a person to set up a trading establishment which causes a most offensive smell, most obnoxious to the neighbourhood, by the clause as you propose it the public would have no summary remedy against the person creating that nuisance?—Clearly so, supposing it not to be injurious to health.

371. Can you suggest anything by way of protecting the public in offensive smells without unnecessarily and unfairly interfering with the trades?—If it were to apply only to any newly established trade, there would be no difficulty in meeting it; but the parties I represent are parties who have carried on their trades in a particular locality, which has never been used for any other purpose; the neighbourhood of Bermondsey has been used entirely for that purpose.

372. The object of the Committee is to introduce some clauses into this Bill by which the traders shall not be unnecessarily and unfairly dealt with, but by which full protection shall be given to the public against offensive smells, whether they may be injurious to health, or otherwise; now, I understand that you do not provide for anything of that sort by the clause which you suggest?—No doubt that turns altogether upon whether the words are to be "a nuisance and injurious," or "a nuisance or injurious."

373. Your clause would have the effect of throwing the parties back upon the common law, whereby a party creating a nuisance by smell, whether it is injurious to the health of the inhabitants or not, may be punished?—Yes. But I believe, with regard to the common law, that would involve the question, whether or not it had existed long before the parties complaining of it had any interest in the locality. I would rather guard myself against saying that at present there is any such common law remedy. I know that in Paternoster-row there is a very large tallow manufactory, which emits what is to me a very offensive smell, and I dare say many people think it so; but they tell you, that instead of being injurious to health, it is very conducive to it. There is another alteration which these parties are exceedingly desirous of proposing. I believe the Committee have already been good enough to say, that with regard to questions arising under this clause, the parties shall have the right to have them tried by a jury, under proper recognisances.

374. Will you first state what you propose: in the clause which you have put in, you do not put any penalty; you fall back upon Section 32?—Just so. The reason for not putting any penalty is, that such an accumulation of penalties seemed to go beyond its mark as being impracticable; but if the Committee

preferred

preferred a penalty to an order to remove, I do not think there would be any feeling on the part of the trade whether it was the one or the other. Finding Section 31 in the form in which it was, I desired to adopt, as far as might be, what I found in the Bill, and not to make alterations merely because one might fancy this or that to be preferable. I rather assumed the printed clause to be what the Committee, or those who brought in the Bill, deemed desirable.

375. Mr. *Wilkinson.*] You were asked whether, by your clause, you would leave unpunished all persons who made an offensive smell, and you said that as the clause stands it would be so; but would not that be the case only in case the parties had done all that was reasonable and practicable to avoid it?—No. There is no doubt that as we are putting it, viz., with the words "a nuisance, and injurious to health," that question would not arise. There would be nothing to complain of unless they proved that fact.

376. *Chairman.*] By the clause which you suggest, no matter how offensive the smell may be, provided it cannot be certified that it is injurious to health, the persons so creating the nuisance would not be punishable under the provisions of the clause?—No doubt it does go to that.

377. Mr. *Wilkinson.*] Do you think that the parties whom you represent would object to have the clause so worded as that it should be contingent upon their having used all reasonable and practicable modes of avoiding the stench?—I should think not. The real point appeared to me to be this, that there are certain trades which necessarily emit effluvia; some people think them offensive, and others do not. The smell of a tan-yard to me is not offensive; others may think it is.

378. *Chairman.*] Then what objection would there be to a penalty which should only be enforced provided they had not used the best means for mitigating any offensive effluvia?—It does not strike me, at this moment, that there could be any objection to that; but I would suggest, that instead of "practicable," you should say "reasonably practicable."

379. Then, supposing there would be no objection to that, on the part of the respectable portion of the trade, and that the clause which was suggested by the Committee, on Thursday evening, were altered, so that the cumulative penalty shall not extend beyond a certain specified sum, is there any objection to the clause which was so suggested by the Committee?—Still, the inquiry before the justices, in the clause as altered, does not follow the terms of the complaint. Supposing the certificate were, that it was "a nuisance, or injurious to the health of the inhabitants," then the inquiry ought to be in the same words; but as the clause stands the inquiry goes further than that. It says, "or otherwise annoys the neighbourhood or inhabitants."

380. Mr. *Egerton.*] You mean to say, that supposing the medical officer gave a certificate, in which he stated that the health of the inhabitants suffered from noxious smell, when the justices came to inquire and take evidence they might go, not upon evidence of injury to health, but upon evidence merely of the smell being disagreeable?—Under the clause as altered they certainly would have that power; the inquiry would not follow the complaint.

381. Then, supposing it were altered in this way, certified by any medical officer, or any two legally qualified medical practitioners, "to be a nuisance to the inhabitants of the neighbourhood, or injurious to the health of the inhabitants," then it would agree with what follows?—Yes, it is desirable to follow the same words. At present it is, "or otherwise annoys."

382. Suppose, also, this alteration to be made, that the penalty to be imposed by the magistrates should be cumulative, but that the amount should not exceed a certain sum, which should be specified; and then that the parties should have the power of appeal, if they shall so think fit, on giving full notice of that appeal, and entering into proper recognizance for prosecuting that appeal, and that no steps should be taken in consequence of the conviction by the magistrates until such appeal should be disposed of, what objection would there be to such a clause as that?—I think, if I rightly understand it, that appeal would not entitle him to have an inquiry before a jury; that is provided for in the Metropolis Improvement Act. The appeal would be ordinarily to the Bench of Magistrates; but by the words in the Metropolitan Buildings Act, the 7th & 8th of Victoria, c. 84, s. 58, it is to a jury.

383. Mr. *Greene.*] Will you read the clause?—"Provided always, and be it enacted, that if before conviction by two such justices, the party complained

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against desire to have the matter tried, it shall be lawful for the said court of quarter sessions, and they are hereby authorised and required, to issue their warrant or procept to the sheriff to summon a jury," and so forth.

384. That clause gives an option of appeal either to the court of quarter sessions or to a jury?—Yes.

385. *Chairman.*] What is the next clause on which you have any remarks to make to the Committee?—Clause 14 gives power of entry to the local authority or their officer. I would propose that in line 11, after the words "any justice having jurisdiction in the place may and shall, on oath made before him of belief in the existence of the nuisance," that there should be inserted these words, "and after notice given to the party complained of."

386. Mr. *Wilkinson.*] Do not you object to the word "dilapidated" in the 12th clause?—Yes; in describing a nuisance, it says the Act shall include "any filthy unwholesome or dilapidated premises;" we propose to strike out the word "dilapidated."

387. Mr. *Greene.*] May not dilapidated premises be dangerous?—Yes, I think it is not very material. I would not press the omission of that. Then in clause 19, it says "any such order of prohibition." I propose to read, "or abatement," so as to include the one as well as the other. We likewise propose to alter clause 43, which is that the "justices of the peace may in all cases, notwithstanding their forming part of the local authority, exercise in petty sessions or alone the jurisdiction vested in them as justices of the peace under this Act." We rather propose to say that justices of the peace, forming part of the local authority, shall not exercise this jurisdiction, because they would be deciding in their own case. Then there is one other point which is felt to be almost more important than any which I have taken the liberty of submitting to you. The question arises upon clause 49, which is that "nothing in this Act shall be construed to impair any power of abating nuisances at common law, nor any jurisdiction in respect of nuisances that may be possessed by any local authority under the Smoke Act. In the passing of the Smoke Act, I believe I may say that all the parties engaged in these trades were taken entirely by surprise, their attention never having been called to the wording of this Act. It is intitutled, "An Act to abate the nuisance arising from the smoke of furnaces in the Metropolis, and from steam vessels above London Bridge." Then in the first clause, the marginal note is "furnaces in the Metropolis to consume their own smoke." That is all that it says, and while the House was legislating about smoke, people who had no smoke were satisfied that they had nothing to do with it. Of course, I should not presume to offer any objection to the wording of this Act, except that I think the Committee will be of opinion that it is rendered altogether unnecessary. You cannot very well deal with the same subject in two different Acts of Parliament in two different ways. The words in the Smoke Act, for the repeal of which I ask, are now unnecessary, and their repeal can do no harm, because they relate to the very things you are including in clause 31 of this Bill, and unless you repeal those words there will be two different remedies for the same thing.

388. *Chairman.*] Then, I understand you to object to the continuance of Lord Palmerston's Act of 1853, so far as relates to offensive trades in the metropolis?—Yes. I have proposed (always wishing not to interfere with the Bill more than was necessary) just to put a preamble to the 49th clause, to this effect: "Save as regards so much of the Act, intituled An Act to abate the nuisance arising from smoke in the metropolis, and from steam vessels above London Bridge, as relates to the carrying on any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants, which is hereby repealed, nothing in this Act shall be construed to impair," &c. Because this noxious effluvia is the very thing you are providing for in the Bill now before you; and the working of this effluvia clause under the Smoke Act has been found oppressive to the last degree upon parties who had no notion of any such words being introduced into the Smoke Prevention Act till they were informed of them by receiving summonses.

389. You think that after embodying in the present Bill the suggestions which have been made this morning for protecting the public from any noxious and offensive effluvia, it would be unnecessary and unfair to continue to their full extent the provisions of the Act of 1853, as far as regards offensive trades?—Yes, just so.

390. Mr. *Egerton.*] The effect of that would be to limit the Act of 1853 entirely to smoke?—Yes, to which it professes to be limited.

391. On whose behalf do you appear?—I appear on behalf of a large number of parties carrying on extensive trades as tanners and leather dressers in Bermondsey, and that neighbourhood, who have an enormous amount of property embarked in them.

392. Both those trades would come under the description of not being injurious to health?—I think they would. I do not want to trouble the Committee with any further evidence; but these gentlemen are prepared to show that the persons who have most escaped disease, when disease has been prevalent in that neighbourhood, have been parties in their employ, carrying on those very trades. But the effect of the Smoke Act has been so oppressive to them that they have been obliged to discharge a great many of their workpeople who were employed in particular processes of their business which they are told they may not carry on.

393. *Chairman.*] Will you give your attention to this clause; "If any candle-house melting place, melting-house melting place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any manufactory, building or place used for any trade, business, process or manufacture, causing offensive effluvia, be at any time certified to the local authority by any medical officer or any two legally qualified medical practitioners to be a nuisance to the inhabitants of the neighbourhood, or injurious to the health of the inhabitants, the local authority shall direct complaint to be made before any justice who may summon before any two justices the person by or on whose behalf the work complained of is carried on, and such justices shall inquire into such complaint, and if it shall appear to such justices that the person complained against in carrying on his trade or business, causes any noxious or offensive effluvia, so as to be a nuisance or injurious to the health of the inhabitants of the neighbourhood, without using the best practicable means for preventing or counteracting such effluvia or other annoyance, the person so offending (being the owner or occupier of the premises, or other person employed by such owner or occupier,) shall, upon a summary conviction for such offence, forfeit and pay a sum of not more than 5 *l.*, nor less than 40 *s.*, and upon second conviction for such offence, the sum of 10 *l.*, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction; provided always, that the justices may suspend their final determination in any such case, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as they, the said justices, shall judge to be practicable, and order to be carried into effect for mitigating or preventing the nuisance complained of, or shall give notice of appeal in the manner provided by this Act, and shall enter into recognizances to try such appeal, and shall appeal accordingly." You think that if such a clause as that were introduced, it would meet the fair requirements of the persons who think that their interests are affected by the provisions of this Bill?—I think so, always adding to that the alteration I have mentioned in the Smoke Act; they attach great importance to the repeal of that clause in the Smoke Act.

394. You think that in addition to the insertion of such a clause as I have just read, it would be highly desirable that the Act of 1853 should be so amended as not to exceed the limits of the clauses which I have so read?—Just so.

Mr. *James Henry Frederick Lewis,* called in; and further Examined.

395. *Chairman.*] YOU have heard the clause read by me; would you wish to make any observations upon that clause?—The gentlemen with whom I am acting, having considered the clause you placed in my hands on Thursday, came to the conclusion that they would have preferred the clause as it originally stood in the Bill, clause 31, down to the words, that "the justices shall inquire into such complaints." And then they would have preferred to introduce words tantamount to those approved of by Lord Palmerston, when the Act of 1854 was before him. These words would come in at clause 31, in line 21, following the words that "the justice may summon before any two justices the person by or on whose behalf the work complained of is carried on, and such justices shall inquire into such

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such complaint." And the words are these: "And if it appear that in carrying on any business complained of, reasonable means for mitigating the nuisance, or the injurious effects of such business have been adopted, no order of abatement shall be issued;" otherwise there may be an order as in that clause. That is the form in which we should have preferred it. But if the Committee shall come to the conclusion that the amended clause suggested by you on Thursday, in lieu of clause 31 should be the clause to be substituted, then in that clause I should have to submit to you that there should be an alteration in the proviso as to the amount of a recurring penalty; I quite agree with Mr. Maynard's objection upon that point. We have proposed that the recurring penalty should not exceed 50*l.*; but of course that would be for the Committee to determine. Then with respect to the proviso, "Provided always, that the justices may suspend their final determination in any such case upon condition," and so on; the gentlemen for whom I appear think that that should not be "may," but "shall," "Provided always, that the justices shall suspend their final determination if the party complained against shall so elect, upon condition that such person shall undertake to adopt," and so forth; making it not an optional power on the part of the justices, but imperative if the party complained of elects, upon the condition that he will take the best means to mitigate the nuisance that the justices may point out.

396. Then I understand you to propose that the justices shall in no case convict provided the party shall undertake to remove, or to abate, or modify the nuisance complained of?—Just so, in the manner provided by that clause.

397. What is the nature of the undertaking that you propose that the parties complained against should submit to the justices?—Such an underktaing as they may think proper. It would be the same undertaking that the clause gives with the permissive power; the only thing that we ask is, that it shall be imperative.

398. You propose that the justices shall have no discretion, but that they shall suspend the whole of their proceedings on the party creating the nuisance undertaking to abate or remove it?—I propose that the party complained of shall elect, instead of leaving it to the discretion of the justices.

399. In short, you desire that the justices shall have no discretion, but that on the party complained against merely offering, or undertaking to remedy the nuisance, the proceedings shall be suspended?—We propose that the undertaking given shall be the same that you require in the case of the permissive act of the justices, but that it shall be imperative upon the justices.

400. How do you provide for any inquiry afterwards?—Inquiry afterwards would take place if the best means as suggested by the justices were not put into effect; the inquiry would then go on.

401. Who is to inquire into it?—It would be the same in that respect as it is proposed to be under the clause which makes it merely permissive.

402. If you say that the justices shall have no discretionary power, but that upon the mere *ipse dixit* of the creator of the nuisance he will undertake to abate or to modify it, the justices shall then in no case convict, how do you provide that any further inquiry shall take place as to whether he has done that which he has undertaken to do?—I would propose to meet that by stating that the undertaking shall be satisfactory to the justices.

403. Then you take away the discretionary power of the justices, and then you create it again?—I propose to take away their discretionary power as to suspending their final determination upon the condition that the party will undertake to use the best means to cure the nuisance, but giving the justices power to say what reasonable form of undertaking he shall give.

404. Then the only suggestion which you offer to the Committee with reference to this clause is, that there should be no discretionary power on the part of the justices?—On that part of the clause; with respect to the rest of it, where the best practicable means are used to mitigate the nuisance, then no conviction shall take place. We should prefer the clause as it stands in the Bill, with the words I handed in to the Committee; but we have no objection to the clause as amended, except that we wish that the justices shall not have a discretion, but that it should be imperative upon them to suspend their determination upon the party giving an undertaking.

405. Mr. *Wilkinson.*] You say that you object to the word "may" in the proviso, which says that the justice may have the power upon certain conditions

to

to withhold the penalty. You say that supposing the justice to be satisfied with the efforts made by the party to remedy the nuisance, then it shall be imperative upon him to do so and so. If he is to be satisfied, does it not amount to the same thing?—That does not apply to the part to which I have alluded. If the best reasonably practicable means have been used, which the justices may determine by the evidence, no order is to be made. But the second part of the clause coupled with the proviso is to this effect, that supposing the justices shall be of opinion that the best practicable means have not been used, still they may suspend their determination upon condition that the party complained of will undertake to use the best practicable means. Then all that we ask is, that if the party elects, the justices shall be imperatively required to suspend it in that case.

406. Mr. *Freshfield.*] You say, "upon an undertaking satisfactory to the justice." That is introducing a condition which again gives a discretionary power to the justice?—I merely submit that if he is willing to give an undertaking, the discretionary power of the justices should then have reference only to the nature of the undertaking.

407. *Chairman.*] Is there anything else that you wish to point out in the Bill?—I understand this clause is to be in effect a substitution for the power which is contained in the Smoke Prevention Act. That this clause is to have the effect of protecting the trades against the words which have been complained of in the Smoke Prevention Act. If that be so, the gentlemen with whom I am acting wish a further recital to be introduced into the preamble which shall have that effect. It is proposed to come in at line 6 of the preamble of the present Bill, and it is as follows: "And whereas, so much and such parts of the Act of the 16th & 17th Vict., chap. 128, intituled An Act to abate the nuisance arising from the smoke of furnaces in the Metropolis, and from steam vessels above London Bridge,' as are contained in the words 'or shall carry on any trade or business which shall occasion any noxious or offensive effluvia, or otherwise annoy the neighbourhood or inhabitants,' and the words 'or other annoyance,' contained in clause 1 of the said last-mentioned Act, and the words, 'or in which such noxious trade or business may be carried on,' and the words 'into the manner of carrying on such trade or business,' contained in clause 4 of the said last-mentioned Act, have been found to be oppressive to the trades affected thereby." Then I propose these words to come in in section 1, line 11, "from and after the passing of this Act, the said Acts, intituled The Nuisances Removal and Diseases Prevention Act 1848, amended by the Act 1849, and so much and such parts of the said Act of the 16th & 17th Vict., chap. 128, clauses 1 and 4, as are hereinbefore mentioned, are by this section repealed," and so on. That is suggested in order that it may be quite clear that any informations against the trades must hereafter be under this Act, and not under the Smoke Prevention Act. I have had no communication with Mr. Maynard upon this subject, but Mr. Maynard has hit upon many points which I object to.

408. Are there any other points that you wish to mention?—Then, in clause 2 we have an objection to the word "owner" on account of the extent of the word; it is said that it "shall mean any person receiving the rents of the property in respect of which that word is used, from the occupier of such property on his own account, or as trustee or agent for any other person, or as receiver or sequestrator appointed by the Court of Chancery, or under any order thereof." We object to these words, as giving the power of putting the penalty upon a mere agent who happens to receive the rent of the premises.

409. If a person is a minor, and is represented by his trustee, how is the owner to be proceeded against except through the medium of the trustee?—Where there is a minor there is a guardian appointed, or an executor or trustee, and such person would be in that position; but a mere receiver of rents is an agent for another. It would bring the class of persons who are known as collectors of rents within the operation of this clause; therefore I object to that provision as being too extensive. Then, with regard to the local authorities who have to put the powers of this Act into operation, it appears that first of all there is the town council, that the parties have no objection to; then comes the Public Health Board, and other Boards, and the guardians are placed last. Now the gentlemen with whom I am acting think that the Boards of Guardians being composed of gentlemen of great respectability, instead of being the last upon the list, should be the second; the feeling is, that the town council and

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and the Boards of Guardians should be the authority to put the Act in force; and the more so, because these gentlemen conceive that, as regards the Board appointed under the Public Health Act, they have other duties to perform, and that they are, generally speaking, men who are selected more from a kind of party and personal feeling, which is not applicable to the Boards of Guardians.

410. Then, supposing the Public Health Act was adopted at one end of a large district, which is under the control of a Board of Guardians for poor law purposes, and that the place of meeting of the said Board of Guardians is eight or ten miles off from the place at which they have adopted the Public Health Act, would you then desire that the local authority which is to take proceedings under this Act should consist of those who live eight or ten miles from the place where the nuisance is so created?—No doubt the position may differ in different locations; the gentlemen with whom I am acting are living principally in town, where they have no such thing as eight or ten miles to travel to the meeting of the Boards of Guardians.

411. What is the next clause upon which you have any remark to make?—The next clause is clause nine. We have no objection to appointing a committee or sub-committee, but we object to the provision that the sub-committee shall appoint the officer. We think he should be appointed solely by the local board who are to be responsible for the officer. The clause says: "The local authority may appoint any committee of their own body to receive notices, take proceedings, and in all or certain specified respects execute this enactment, whereof two to be a quorum, and such local authority or their committee may, by order in writing under the hand of the chairman of such body or committee, empower any officer or person to make complaints, and take proceedings on their behalf." We propose to strike out the words, "or their committee." Then, in clause 12, we object to the word "dilapidated," in this connexion: we say that cases of that kind are under the cognizance of the law by means of surveyors of districts, and that the surveyor of the district should see that the house is in a proper state. The word "dilapidated" being introduced into the Nuisance Act, carries it much further than we think it ought to do, because landlords are thus put under the power of the local authorities to say to what extent their premises are to be repaired for habitation.

412. Will you state what objection you have to this on the part of what are called the offensive trades?—As an individual I object to this word, because I may be a landlord, and I may be called upon by the local authorities under this Act; and I say that this is already under the cognisance of the law by means of the surveyor of the district.

413. What is the next point to which you wish to call the attention of the Committee?—Upon the words in this clause: "Any decaying or offensive accumulation or deposit." We proposed to add the words, "not absolutely necessary for the proper and effective carrying on the business or manufacture on the premises where the same may be found."

414. Do you propose to insert any proviso to prevent, by all practicable means, the effluvia arising from that accumulation?—Those were the words which we proposed; but you placed some words into my hands to this effect: "Provided always, that no such accumulation or deposit actually necessary to the effectual carrying on of any business or manufacture shall be deemed punishable as a nuisance under this Act, when it is proved to the satisfaction of the justices that such accumulation or deposit has not been kept longer than is required for the purposes of such business or manufacture, and that reasonable means have been taken to protect the public from annoyance thereby." If the Committee adopt those words, then we shall ask them (and I allude to this particularly on behalf of one body for whom I appear before you, namely, the scavengers and dust contractors) to insert the following proviso: "Provided always, that the Common Lodging Houses Act, 1851, as extended by the Common Lodging Houses Act, 1853, as applicable to any premises whereon there shall be any accumulation of dung, manure, offal, filth, refuse, or other matter or thing, shall be read and applied only in conjunction with the proviso hereinbefore lastly mentioned."

415. That would go to interfere with the Common Lodging Houses Act?—To the extent of the accumulations not necessary for trades. On behalf of the dust contractors, for whom I appear before you, all I can say is, that they are left, to a large extent, under difficulties which have resulted out of proceedings against some of their members, and on their behalf I offer this proviso to the

Committee,

Committee, as being an addition which they wish to make, so that they should be brought under one Act, and that they should know under what Act it is that informations against them may take place. The proposed limitations regarding such accumulations or deposits not being kept "longer than is required for the purposes of such business or manufacture, and that reasonable means have been taken to protect the public from annoyance thereby," would perfectly satisfy them. They are content to come under that definition of a nuisance; but they will be now left under the definition of a nuisance as set forth in the Common Lodging Houses Act, and therefore I should have on their behalf to say, that inasmuch as the Act of 1853 will be amended on behalf of the other nuisance trades, the Common Lodging Houses Act should be amended on their behalf.

416. Mr. *Wilkinson.*] Supposing the Committee were to adopt the words which you propose, instead of the words which were put into your hands the other day, would those words be sufficient for the purpose, or would you still want to apply for the repeal of the clause in the Common Lodging Houses Act?—I should still want to apply for the amendment of that clause by the addition of this proviso.

417. *Chairman.*] I understand you to say, that the words which I have placed in your hands are acceptable to all the trades except dust contractors; and that, in order to make them acceptable to the dust contractors, you want the Committee to introduce into this Bill a clause repealing the provisions of the Common Lodging Houses Act?—These words are acceptable to the dust contractors, so far as they go. The dust contractors would be willing to be left under those words, but they are not left under those words; therefore, on their behalf, I have to tender this proviso, to the clause of the Common Lodging Houses Act. Then, with respect to the power of entry of the local authority, for the purpose of grounding proceedings, in clause 14, line 18, we wish "between the hours aforesaid" to be added. There is no limitation mentioned there. In the first part of the clause, the hours named are between nine in the morning and six in the evening. Then, if admission be not granted, there is to be an order made; and we wish to insert in this proviso the words "between the hours aforesaid." Then, at line 34, "For this purpose the local authority, or their officer, may from time to time enter at all reasonable hours, without notice;" but we would say "may, between the hours aforesaid, without notice, enter," because we consider between the hours of nine and six to be reasonable hours. Then, again, we had a suggestion to offer as to line 40; but I understand that that is struck out. There was also an objection raised by the parties, to the provision in clause 15, that the police should be used as parties to the information. They think that all the other parties named, namely the persons aggrieved, or the inhabitant householders of the parish or place to which the notice relates, or the relieving officer, or other person appointed, may be well and good; but that the police should not be parties to an information under this Act. Then, as to the next clause, 16, we object to the principle being enacted, that where a nuisance has existed for a time, but has been removed, but the justices are of opinion that it is likely to be renewed, they may make an order to prevent its renewal. We say it is legislating upon a case which is not before them. We object to the jurisdiction given in a case in which the justices may think the nuisance is likely to be renewed.

418. What I understand you to object to is this: that when the justices shall have convicted a person of having created a nuisance, if it be stated to them that that nuisance is likely to recur, you object to the justices making any order against the recurrence of the nuisance?—Yes, the parties object to the justices making an order as to a matter which is not before them; an order upon a nuisance which is before them we have no objection to, but to an order upon a future nuisance we do object. Then, at the bottom of that clause, we object to the words "also for the payment of all costs incurred up to the time of making such order."

419. It is proposed to alter that to this effect, "up to the time of making the order for the abatement or discontinuance of the nuisance"?—The objection seems to be this: that it is making the party pay the costs of an order to discontinue that which is discontinued, or at all events which does not exist at the time; it is calling upon the party to pay the costs of an order for putting an end to a matter which is not in existence; the parties object to that. Then

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again in clause 17, we object to the words in line 3, "or to make safe and habitable, or to pave." That will depend upon the objection we have made to the word "dilapidate" in the definition of the term "nuisance," that it does not come fairly within the scope of a Nuisance Removal Act, to require that they shall make safe and habitable, and pave. Then with regard to clause 18, that says, "Any person not obeying the said order for abatement, the person on whom it is made shall be liable, for every suchoffence, to a penalty of not more than 10 *s.* per day during his default." The parties suggest that the order may be such, that it is utterly impossible to obey it within the time. We propose that it shall be qualified in this way, that "the person on whom it is made, shall, if he fail to satisfy the justices that he has used all due diligence to carry out such order of abatement, be liable," and so on. Then in clause 20, we object to the proviso which prevents appeal against the decision of the police magistrate, unless the cost of the works to be done shall exceed the sum of 15 *l.*; we think an appeal should be open under any circumstances. Then in clause 22, "Any animal matter or thing removed by the local authority, in pursuance of this enactment, may be sold, and the proceeds retained by the local authority," it is not said how it is to be sold. Now the matter which may be within the scope of this Act are sometimes extremely valuable to the parties concerned, and we propose to say, "shall be sold by public auction after notice by posting-bills distributed in the locality not less than five days previous to such sale," in order that the owner may have some fair means of knowing how and when his property is to be disposed of. The property is sometimes very valuable, consisting sometimes of hundreds of tons of such matter. Then in clause 23 we find that the premises are made chargeable with all the costs, expenses, and penalties which may be incurred under this Act. Now that might often amount to a very serious matter as against any person having a charge upon the premises; a mortgagee, or such like. It may be that the offending party might swallow up a considerable portion of the value of the premises by his neglect under this Act, and so prejudice the claims and rights of a third party who is perfectly innocent. We think that such party should have a prior claim. Then in clause 24, line 23, it is said, "and if the amount of such order, or any instalment thereof, be not paid within seven days." Now we think that is very sharp. The gentlemen for whom I appear think it should be extended to one calendar month. Seven days is very prompt payment to enforce under such circumstances. Then clause 31 I leave as you have altered it. Then I come to clause 43, page 17; I object to that on the same ground on which Mr. Maynard has objected to it. The gentlemen with whom I am concerned object to that clause altogether; that the justices of the peace forming part of the local authority being themselves complainants shall afterwards sit as judges upon the matter brought before them. We object to that as being contrary to the well known principle of English law. I should have called your attention to a proviso to clause 42. Under this Act at present we do not see that there is any satisfaction given to parties who may be brought before a justice where the information shall fail. And we propose that at the end of clause 42 there shall be this proviso: "Provided always, that where the justices upon a summons granted under this Act shall determine against making the order, the local authority shall pay to the party summoned all reasonable costs, charges, and expenses incurred in resisting the making of an order upon any such summons." We propose to introduce that proviso. Then with regard to clause 44, "No order or any other proceeding shall be quashed for want of form;" to that we do not object. But the parties are desirous of having the right to take the opinion of a superior court if they think proper. They therefore ask that the restriction against the certiorari shall be struck out, because they intend to ask you to add a proviso at the end of clause 45, whereby they may appeal to a superior court, if they think proper.

420. From the court of quarter sessions?—Yes; because sometimes the interests affected are so large that the party would be desirous of having the best legal consideration of the case.

421. Were not the Committee told on the former day that if they gave an appeal to the court of quarter sessions with a jury, that would give satisfaction to the parties?—We prefer that we should have the alternative of an appeal to a superior court if we think it desirable, either from the magistrate or from the quarter sessions to a superior court of judicature. Then dealing with clause 44, assuming

assuming that to be made available for an appeal to a jury, you require recognizances to be given within two days; that is rather quick; we ask you to make it five days instead. Then in obedience to my instructions, I have to ask that a proviso be added to the other clause, 45; "Provided always, that any person summoned under this Act shall be at liberty to remove such complaint, either before or after any order made thereon by certiorari, or by other writ or process, into one of the superior courts of law, so that the same be so removed within seven days after any such order shall be made or confirmed on appeal as aforesaid." I merely offer that as a suggestion on the part of the gentlemen for whom I act. Then I come to clause 49: "Nothing in this Act shall be construed to impair any power of abating nuisances at common law." It will be necessary to alter that, if it is intended that the trades shall not be operated upon by the Smoke Prevention Act. Then I come to the last clause; that is merely the title of the Act; no doubt it will not have escaped your attention that the Act will cease to be a Diseases Prevention Act; it will be the Nuisances Removal Act of 1855; it stands now the Nuisances Removal and Diseases Prevention Act. Then on behalf of the gentlemen for whom I am acting, I must state that we are still desirous of preserving the Bill of 1844 intact. We have offered these suggestions to you simply as amendments upon the Bill now brought before Parliament, and having stated so much, I have now concluded all that I am instructed to say to this Committee.

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Mr. *Edward Medley*, called in; and Examined.

422. *Chairman.*] WHAT is your profession or trade?—I am a dealer in flour, and bread, and pastry.

Mr. *E. Medley.*

423. Have you got a copy of this Bill as amended in Committee?—No, I believe not. I have got one of the first copies.

424. Have you heard the evidence which has been given by the gentlemen before the Committee this morning?—Some of it.

425. Do you wish to add anything in reference to that evidence?—I do not wish to give evidence with regard to manufactories. I am not particularly acquainted with them. But I have suffered hardships myself by other parties who have created nuisances, not that I have ever had a summons from a magistrate or any local officer, but I have had nuisances upon my premises that have not been produced by myself, and I wish something to be introduced into this Bill that would protect me, and protect others also, against such an unfortunate position.

426. What do you wish to be introduced into this Bill for attaining that object?—I will first explain how it has arisen. In a house I have belonging to me a few miles from where I live, my attention was called by the tenant to a great smell. I went down stairs and found a very considerable quantity of soil in the cellar, amounting probably to some tons. The cellar is 26 feet long. I felt satisfied that my drain was not obstructed, having very good drainage. I employed a man to open the trap at the mouth of the drain; he opened it, yet the soil did not go off. I went to the Commissioners of Sewers' Office about it. They wanted to persuade me that it was my drain that was in fault. I insisted that it was not, and as I was very firm upon the matter, they sent some men and opened the street sewer, upon which the offensive matter went off. They were employed, I think, about ten days.

427. Then, in point of fact, the drain belonging to the Commissioners of Sewers was stopped up?—It was; and that was the cause of the nuisance; and a very considerable nuisance it was.

428. How was it stopped up; was it by any matter or thing going down your drain into the drain of the Commissioners?—The probability is that it was from neglect on the part of the Commissioners. From the men being employed there 10 days it was quite evident that there was very great fault.

429. Was it in the sewer in the street, or in the drain which branched off to your house, that the stoppage took place?—Not in my drain; in the sewer in the street. And I would beg to say, that unless the local authorities have the power to command in some degree the cause of nuisances (for I believe it is a defective sewage that is the great primary cause of nuisances), you will be unable efficiently to carry out this Bill.

430. What I understand you to desire is this, that a clause should be inserted in

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in the Bill which should compel the Metropolitan Commissioners of Sewers to keep their sewers cleansed?—More than that; that is one part. But I think primarily that the local authorities ought to have a power given to them by this Bill to ascertain what streets are deficient in sewerage, and what streets have defective sewerage, otherwise I think we shall have a very ineffective Act to work with. I would also, with reference to this point, mention to the Committee an Act of Parliament which I have here, the Act of the 50th of George the 3d, relating to the paving and lighting of St. Luke's.

431. Is there anything else that you wish to bring before the Committee?—I have a further observation to make. I have to say, that I have also experienced a similar inconvenience from adjoining parties stopping up drains. It frequently happens, that in consequence of the defective state of the sewerage, proprietors have adopted various means to drain their premises through other persons' premises, and occasionally parties stop up a drain in the adjoining or other premises. The proceedings are so summary, if the owner is absent, he will be proceeded against, because the nuisance was upon his premises, and the party who actually created the nuisance would not be liable.

432. May he not bring evidence to show that he is not the party liable, and that the other party against whom he complains is the party liable?—If longer time were given, that might be done. I have also something to say with respect to clause 3, in line 43, there would be some doubt in our parish, who would have to put this Act in execution. It says here, the party having by law the power of street cleansing; now, in many cases in our parish, there are two parties that have the power of street cleansing; so that there would be a clashing of jurisdiction as to which of those parties have the power to put the Act in force.

Mr. *Robert Rumney*, called in; and Examined.

Mr. *R. Rumney.*

433. *Chairman.*] YOU came with the deputation from Manchester, and one of the members of that deputation has already been heard before the Committee?—He has.

434. Is there anything which you would desire to add to the evidence which has been given by that gentleman?—Only to press again upon the Committee the Arbitration clause. I have been down to Manchester, and have met the committee, and was instructed by the committee to submit to you other matters; but you have already disposed of them. But the Arbitration clause appears to us most important.

435. What I understand you to press upon the Committee is this: that after the case has been taken before the justices they should refer it to scientific arbitration instead of an appeal to the court of quarter sessions?—Either instead, or in addition, at the election of the party aggrieved; leaving the clause as it is, and adding, "and leaving the party aggrieved to elect."

436. Mr. *Egerton.*] But when you have an appeal to a court and jury, you have the benefit of taking your scientific evidence before the court and the jury, who are to decide upon the case?—Yes; but this seemed to us preferable.

437. If you had that scientific Arbitration clause, would you not have to pay those scientific men very highly?—Yes, we are aware of that.

438. But with the power of appeal you would have an opportunity of going before the court of appeal with your scientific evidence?—But we think the other better.

439. *Chairman.*] Is there any other point which you wish to mention?—The only other point is, that the clause says that the justices "may suspend their determination;" we think it should be "shall;" with a proviso that the parties shall adopt the best practicable means of mitigating the nuisance. The other points have been brought under notice, and I will not trouble the Committee with them.

Martis, 13° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Langton.
Mr. Adderley.	Mr. Egerton.
Mr. Horsfall.	Mr. Freshfield.
Mr. MacGregor.	Lord Robert Grovenor.
Mr. Wilkinson.	Mr. Irton.
Mr. Greene.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Toulmin Smith, Esq., called in; and Examined.

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440. *Chairman.*] YOU are a professional man?—I am a Barrister.

441. The Committee have been informed that you have expressed a desire to be examined before them upon the two Bills that have been brought before them, upon some points upon which you desire to give information. Will you state to the Committee the points upon which you desire to give them information?—Perhaps the Committee will allow me to go through several points in the Bills as shortly as possible, this being a matter to which I have paid great attention. I have been in communication with many parts of the country as to the general action of the Bills upon their interests. Last year, when the Nuisances Removal Bill was before the Houses of Lords and Commons, I had several communications with Lord Shaftesbury and Lord Palmerston upon it; and many alterations were then agreed to, in consequence of my suggestions: but all of them do not appear to have been understood; and I am anxious that at any rate the Committee shall have an opportunity of hearing them. Perhaps I shall be allowed to call your attention to a few of these points. I have carefully attended to what has been stated by the Chairman, but there are several points still to be provided for, some of them are mere verbal alterations, others are of practical importance. I find in the beginning, in the first section, while in the general part of the Bill I find only England, the words "and Ireland" are mentioned, I submit that should be struck out.

442. Those words have been struck out?—That of course meets my objection. I call attention to that in passing. In clause 1, line 16, of the Bill, it speaks of retaining all "appointments of officers and persons made." I submit that, as the bodies which are here mentioned are expressly empowered by another section to appoint officers and make contracts, this will cause great inconvenience; because there are now officers existing, namely, those of the Boards of Guardians and others, who have already defined and official powers; but now new officers are to be appointed.

443. Those are appointments made under Orders in Council in March last?—That does not appear; nor can it affect the point. I would suggest further, that the Bill itself, not having anything to do with Orders in Council, the two lines, 15 and 16, which refer to Orders in Council, ought to be struck out. In the second clause, the interpretation clause in the Bill, as it stood on the 23d of January, there was a definition of the words justices and justice, which is entirely struck out of the present Bill. I would submit that unless in some shape this is restored, or something that will explain it, it will not be clear how far the Metropolitan Police and other similar Acts have any force.

444. Is not that provided for in the Act, by which it is directed that one police magistrate is to go for two justices?—I am aware of that; but in all the late Acts, this is usually repeated. I would further submit to the Committee, that in line 18, the words "Police" and "lighting and watching" do not apply at all to this Act. They have only stood in the Bill since the 23d of February, when it was reprinted. The Act for lighting and watching has no sort of connexion with matters relating to nuisances. In the former Bill, the words were, "all those commissioners or trustees who have by law powers of street cleansing;" and it is clear that these only are the bodies who have a natural connexion with those subjects.

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445. Your proposition is to strike out the words, "lighting and watching," and put in the words, "the Commissioners having the power of street cleansin —Certainly; that, striking out also the word "Police," is precisely what I suggest. I would further submit, that in the definiton of a "place," in line 8, after the word "hamlet," the words, "or any extra-parochial place" should be introduced, for there are many places of considerable size that are extra-parochial; and it seems very desirable that this Act, if it is adopted, should apply to those places as well as to other places. I will submit to the Committee, presently, practical suggestions for the application of the Bill to these places.

446. Mr. *Egerton.*] There are some extra-parochial places in London, are there not?—Yes, many; but they are for the most part included under the jurisdiction of the City of London Sewers Commission. I would next call the attention of the Committee to the two lines, 26 and 27, in which the word "premises" is defined quite differently, and in many respects oppositely, to the definition as set out in the Bill of the 23d of January. The two definitions seem to include different things. The word premises shall extend, according to the present Bill, "to all messuages, lands, tenements, or places, whether open or inclosed, whether built upon or not, and whether public or private;" that conveys a very general idea to the mind. But as the word is defined in the Bill of the 23d of January, I find it was to include, "any road, street, court, passage, whether a thoroughfare or not, and any open or inclosed areas or spaces, whether waste or otherwise, sea beaches, and parts or places between high and low-water mark." Now, these definitions are so entirely different, and, as I would submit to the Committee, they seem to convey ideas so different to the mind, that something should be done to make it clear what is really intended.

447. We are now considering the amended Bill?—Precisely; but I submit to the Committee whether the former was not a better definition. It certainly is a safer one. In line 29, I apprehend it is meant to include in the definition of parishes those which separately manage their highways. There are many places in England which separately manage their highways, although they do not separately manage their poor. In many townships in the north of England that is the case. In this section you say that the word "parish" shall include every place separately maintaining its poor. I submit the words, "or separately maintaining its highways" should be added, to make it consistent with the rest of the Act. Certain duties are laid, I would venture to submit, upon the highway surveyors here, and therefore I think there should be a corresponding jurisdiction put into the hands of the highway surveyors. I beg to call particular attention to clause 3 as it now stands (and I understand that no material alteration was made in it by the amendments which the Chairman read). I would submit that this Act will be inoperative for good, unless the appointment of a committee in every parish is made a part of the duty of the vestry, precisely as the appointment of the highway surveyor, or any other officer, now is. As the Bill now stands, it is left optional with the Vestry to appoint a committee under this Act, or not; and they will, consequently, not have that sense of responsibility which they would have if it were made obligatory upon them. I would therefore submit, that instead of "any," in line 11, page 3, the word "every" should be substituted; and that in the next line, instead of the word "any," which comes before "Committee," you should insert the words, "there shall be a," and so on. That would of course be applicable only to cases where there exists none of the other local bodies referred to. In all such cases there shall be a committee appointed; and then you have in each place a responsible body. The sentence would then run in this way: "In every place where there is no such Town Council, local Board of Health, body of Trustees or Commissioners, or other like authority, nor any Highway Board, there shall be a Committee," and so on.

448. Mr. *Greene.*] As the Bill now stands, it is left open to the parties to appoint committees or not, as they please?—Yes; but if the Act is to be a beneficial Act, it is extremely important that the responsibility of carrying it out should be everywhere felt. Great inconvenience has been practically felt heretofore from these matters being left in the hands of Boards of Guardians. The substance of this clause was submitted by myself to Lord Palmerston, and it was approved of by him. In reference to line 17, I would submit to the Committee that, instead of the section standing as it does there, and in the clause following, it would simplify the matter very much, and make it more uniform in its action, if,

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if, after the word "members," the next three lines, together with the clause following, were struck out, and these words inserted:—"Such committee to be annually chosen by the vestry on the same day as the overseers and surveyors of highways; and the first of such committees to be chosen at a vestry to be specially held for that purpose, within one month after the passing of this Act." If you will permit me to explain myself further, I submit that, by putting the words in the last part of this clause as it now stands, tying down the parish to the number of 12, you introduce confusion. There are a great many Acts now, every one of them differing in regard to the numbers of certain committees to be appointed by parishes; whereas parishes are in the habit of appointing committees, and are best able to know what is the most convenient number. There are some further matters of detail which I would suggest; but I shall be happy to hand in my copy of the Bill, with the alterations that I suggest made in it. In order to illustrate this point, I may mention that there are no less than four Acts now in force; one of which provides that a committee should be from 12 to 120; another from 3 to 12; another from 5 to 20; another from 3 to 9. It will be seen from these diversities that there is no uniform principle acted upon. It appears to me to be much better to leave it to the parishes to appoint the number they think fit. As to the next four sections, it will save a great deal of trouble if the Committee will allow me to call their attention to them together. They are stated to be founded upon the General Lighting and Watching Act, but I submit to the Committee that they are not, or only in an extremely partial sense, founded upon it; because the practical clauses of the General Lighting and Watching Act are left out here: for instance, that which relates to the holding of meetings upon requisition, which would be obviously essential if you intend to carry this Act out. Upon a requisition of three of the inhabitants, according to the Lighting and Watching Act, the churchwardens shall be bound to call a meeting, which shall proceed to the election of a chairman. That is not inserted here; neither is the section about the appointment of officers or offices. Those, I submit, are much more practical clauses than the clauses stand here. I submit, however, to the Committee that clause 18 of the Highway Act is more of a model for this Act than the Lighting and Watching Act, under any circumstances; inasmuch as the latter is only intended to be applied in cases where there is a considerable town population, while the operation of this particular clause will almost invariably be applicable under precisely opposite circumstances, namely, rural populations. My remarks apply to the four clauses, 4, 5, 6, and 7. With reference to clause 9, on page 5, I submit that it is extremely important for the safe operation, and therefore for the useful operation, of this Bill, that in lines 9 and 10, the words from "take" to "enactment" be struck out, and these words be substituted: "And direct examination as to the truth of complaints made." This section, and one or two others of this Bill, have the effect of making the local authorities the mere tool, so to speak, of a single and very subordinate officer. It is of very great importance to the sound operation of this Act, and its safe operation, whether to private persons or to any trades, that the local authorities shall be thoroughly responsible, and that they should feel that they are responsible. These clauses give the power, in fact, to any single officer appointed by the local Board to take proceedings: they do not throw the responsibility upon the committee or local authority. I have had great practical experience in the working of measures of this sort, and I know that unless you throw the responsibility upon the body itself, and do not give the opportunity of leaving it to the officers, you will never have any real action and utility, and you bring the local authority into just contempt.

449. You would have it run thus: "The local authority may appoint any Committee of their own body to receive notices and direct examination as to the truth of complaints made," and strike out the words "take proceedings, and in all, or certain specified respects execute this enactment"?—Yes, so that the committee shall feel the responsibility of every proceeding of its officers. In the following clause, which refers to extra-parochial places, I think it will be felt that there is great injustice. Many of these extra-parochial places are very large in different parts of England. By this clause you throw the expense of whatever is done in those places for the benefit of the inhabitants, upon that parish which has the misfortune of having the largest boundary adjoining to the extra-parochial place. Now, the only reason for this I conceive to be, a certain mechanical difficulty in the choice of the local body. But if you admit

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the principle (which I submit to be a sound one) that it shall be the duty of every place to have a local body, then you have only to contrive a machinery of this sort: that the churchwardens of the parish which has the largest boundary shall in such case, be the summoning officers for the first meeting of the extra-parochial place at which the local body shall be chosen; and that, in all future cases, the chairman of the local body, as in the case of local Boards of Health, shall be the summoning officer.

450. Mr. *Adderley.*] With regard to the 9th section, who do you propose to exclude from taking proceedings?—It is the vesting practically uncontrolled power in a single officer, that I have suggested should be excluded.

451. Having excluded the officer from taking proceedings, who is to take the proceedings?—The local authority itself, the whole body. You are aware that the Boards of Guardians must now take the proceedings in cases in which they are authorized to do so.

452. Might not the local authority appoint sub-committees or officers to take proceedings?—Unquestionably they would appoint officers to do what is necessary, as *preliminary* to their own action. Perhaps you will allow me to state, from personal experience, one case, in which this course was taken: there were three forms of notice; the first of which was a notice by the local authority that, unless certain things which were defined were done, proceedings would be taken under the Act. Now I know that, out of about 100 cases in which that notice was served, in not more than two or three instances was it necessary to proceed. If it is known that the local body has the power, it may appoint its officers to present the cases, and bring them under the notice of the local body: and the knowledge of the fact that this body exists with that authority, will prevent the necessity of the body sitting *de die in diem.* Practically speaking, this will be found much more efficient; and save the obnoxiousness of everybody being subject to the arbitrary dictum of subordinate officers, which would be the effect of the Bill as it now stands. This will be the course taken: the officer appointed will first inform the committee; the committee will then direct an examination. I have carefully inserted the words "and direct examination." That examination will bring out the facts for the local body to deal with.

453. *Chairman.*] You desire that the local Board shall not act through a sub-committee?—I desire that they should only take preliminary steps through a sub-committee, because the local Board itself is only a small body. This brings back, practically, the protection of the jury system. In reference to clause 11, I submit that, on page 6, line, 7, it is necessary that there should be an alteration in order to the Act being operative, practically speaking. I think the clause of the Lighting and Watching Act is there intended to be introduced. But in clause 32 of the Lighting and Watching Act, it will be found that the monies which are necessary for the purpose are to be paid upon the order of the committee. The words of that Act are simply, "upon the order of the inspectors, or of two of them." Inasmuch as in another part of this Bill, the signature of the chairman of the local authority is introduced, I submit that the word "the" before "order" should be struck out, and the three words following altered; so that lines 6 and 7 will read thus; "shall pay over the amount to the local authority on an order signed by the chairman of such local authority." The practical reason for that suggestion is this: that if you divide the responsibility, you destroy the responsibility. The local authority will have the sense of responsibility, if thrown upon itself; but if it can only raise funds, if peradventure it shall get the order of the justices, it never really will be safe for it to proceed, and you therefore entirely take away its responsibility. The Lighting and Watching Act is a sufficient illustration that the course proposed is a safe one, because the circumstances of the two Acts are in this point similar. The Lighting and Watching Act has these words further:—that, as regards the justices,—and it is the usual course taken in these cases,—the justices are required to grant warrants. Thus the local authority is responsible for all the costs that it incurs. And it will be remembered that, by a later section of this Act, the accounts are required to be published and circulated to every rate-payer: so that those who have elected the local authority will know thoroughly what has been actually done. In clause 12, I submit that the definition of a "nuisance" is exceedingly vague and unsatisfactory. If the Committee will allow me to call their attention to the circumstance, that, in four different Acts, within

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the last nine years, there have been attempts to define nuisances, and every one of these definitions has differed from the previous one, I think it will be evident that the present attempt requires great consideration. I think I understood from the Chairman; that there has been an alteration in the last line of this definition, line 18; but I submit that this is not sufficient, because the words, "unwholesome or dilapidated premises," are so exceedingly vague, that, unless there is some protection in other parts of this Bill, it will put an extremely arbitrary power in the hands of officers; and I submit that the line, "any animal so kept as to be injurious to health," is inconsistent, practically speaking, with the line following, because it must obviously, I apprehend, appear, that it is the decaying or offensive accumulation connected with the animal, and not the animal itself, that is offensive, and that the removing of the animal, and leaving the offensive accumulation, is useless. Last year, Lord Palmerston agreed to a modification of this sort: "at a distance of less than 50 yards from any dwelling-house or public thoroughfare," the intention being, that in a certain range of cases,—market gardens, private gardens, or others,—unless they were so close to the house as actually to be injurious to health, you should not impose this liability to interference. I submit that line 18 should be struck out, and that after the words, "any decaying or offensive accumulation or deposit," these words should be added:—"within the limits of any town, street, or less than 50 yards of any house." That, it will be seen, covers every case which can be a nuisance to adjoining premises. I know that in many instances poor people have suffered grievously under the operation of this Act. In reference to clause 13, I submit that section 24 of the Lighting and Watching Act is much more practical and effective than this. By that Act, there is power to appoint whatever officers or offices may be necessary to carry out the duty; but this Act is confined to the appointment of inspectors. Now, every man practically familiar with action of this sort, will know that it depends entirely upon the size of the parish, whether in the first place it is necessary to appoint such an inspector. In some small country parishes it will not be necessary; here it is made imperative. I should prefer to take the model of the Lighting and Watching Act, in preference to making any new suggestions of my own. I think I understood that one memorandum which I have made here has been carried out; namely, under section 14, the first clause; 24 hours notice is to be given. I would, however, further submit to the Committee that the words, "or any of their officers," in line 4, should be struck out, for the reason that I stated to the Committee before, viz.: that the local authority should be responsible for all action, and not allow any of its officers to take those steps, without its own direct control.

454. The local authority must act through their deputy?—Precisely. This clause says, if they *or their officer* have reasonable grounds. But I want the "local authority" to have reasonable grounds before they allow one of their servants to enter a house. It is not because the servant says he has reasonable grounds, that he should be allowed to use the authority of the local Board.

455. As the clause stands, the servant of the local authority cannot enter without permission; he may make a demand for permission to enter, but if the person refuses, he cannot enter?—Practically speaking, we know that when an officer who is thought to be clothed with authority comes and demands admission, people rarely venture to refuse him; we must deal with the thing in the way in which it practically operates, for the officer will be supposed to be clothed with the authority of the local Board. There is one thing which you will allow me to mention, which is not quite consistent with the rest of this section. I perceive that two words have been added in the Bill, as re-printed on the 23d of February. In line 10, after the word "may," which left a discretion in the justices, which is obviously right, we have now the words, "and shall;" so that it is made imperative. It stands, "any justice having jurisdiction in the place, may *and shall*." There is no discretion left to the justices: and, as I have already shown, the local authority has no discretion:—all is entirely left to the officer. If the officer chooses to say he has reasonable grounds for believing a nuisance to exist, the justice must make an order. I would suggest that, at the least, you should after the word "nuisance," in line 11, add the words, "and of the grounds of such belief," This certainly cannot be objected to; that the officer should make oath—not only of his belief in the existence of the nuisance, but of the grounds of his belief.

456. Mr. *Egerton*.] That is matter for examination afterwards?—But you are

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initiating the proceedings; if the officer makes oath that he has reasonable grounds, it is not too much to ask him to add what those grounds are.

457. *Chairman.*] First of all the grounds are to be shown to be reasonable to the justice, the justice determines whether there are reasonable grounds, and, if there are reasonable grounds, he makes the order?—Under this section, that does not appear to be so. It is here, the justice *shall* issue the order if the officer makes oath of his belief in the existence of the nuisance; that is the sole contingency. It seems to me that the first clause of the 14th section is repeated in the 15th section. The 15th section goes on to speak of notices being given; while the former clause speaks of having reasonable grounds for believing. What the reasonable grounds are, must depend in every case upon the circumstances. But section 15 adds this circumstance,—which is extremely objectionable, —that, in particular cases, there shall be the power of proceeding without entry or examination.

458. Mr. *Adderley.*] The 14th clause gives the power of entry, and the 15th clause lays down the mode of proceeding?—The 15th section states how they are to get at the reasonable grounds. I should not object to clause 15 but for what is superadded to it; namely, giving to the local authority, upon the certificate of some persons, highly respectable unquestionably, power to act without entry or examination. I pointed this out to Lord Palmerston last year, and he saw it so strongly, that, with his own hand he altered the Bill which I have here, and left the words so that one person stands in the same position as another. If you will allow me I will read the section: "The local authority shall enter on the premises and examine into nuisances alleged to be therein, on receipt of a notice thereof in writing, signed by one or more of the following persons:—two or more inhabitant householders of the parish or place to which the notice relates; the sanitary inspector of the district, or any officer or person employed to make complaints under this Act; the relieving officer or inspector of the poor of the union or parish; any constable or officer of the constabulary or police force of the district or place, or in Scotland, the sheriff's officer; or upon a certificate thereof in writing, signed by the medical officer of the union or parish, or by two legally qualified medical practitioners." As it originally stood, the words were as they stand here: "the local authority may take cognisance of any such nuisance, without entry or examination, upon a certificate thereof in writing signed by the medical officer of the union or parish, or by two legally qualified medical practitioners." I pointed this out to Lord Palmerston, and he altered it in his own handwriting.

459. Mr. *Greene.*] What is the alteration of the words?—It is a transposition of the words, and leaving out the words "without entry or examination." Perhaps you will permit me to call your attention to line 16, where it is enacted, that the local authority who are to take cognisance of such nuisance, that is, to take proceedings under the Act, are to do so "after entry made as hereinbefore provided, or *without entry* upon a certificate." Now, I apprehend that there is no officer whose certificate ought to be sufficient for penal proceedings to be taken upon, without the actual knowledge which entry and examination alone can give.

460. *Chairman.*] That is your opinion?—Yes; and that I submit is Lord Palmerston's opinion; that is what Lord Palmerston himself expressly, last year, admitted to be the correct view.

461. What is the next point to which you wish to refer?—The words in line 27, at page 7, "or if no such person can be discovered, affixing to a conspicuous part of the premises." I submit that this is expressly provided for in clause 36. I think that it will be perceived that the fourth clause of this section was intended to be omitted here, because that refers to Orders in Council.

462. That is struck out?—Just so. In section 16, page 8, in line 29, the words "permission or sufferance" are added, and they are repeated in several other places. Those words are different from what were in the Bill of 23d January, and they involve a great degree of arbitrariness, because the words "permission or sufferance" are so exceedingly vague, that it will give an opportunity of making persons responsible who cannot really be morally or legally responsible at all; you already have the words "persons by whose act or default."

463. If persons permit or suffer the nuisances to exist, ought they not to be punished?—Unless you can define the words here, I submit that they are objectionable. The words "by whose act or default" are, I apprehend, sufficient

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to include everything that justice could require; but now you add the words "permission or sufferance," though without animus or guilty knowledge, which are usually at common law admitted to be necessary. In the following line, if the person by whose act an alleged nuisance is caused, cannot be found, the owner or occupier of the premises is absolutely made liable! To section 19, at line 35, page 9, I would beg particularly to ask the attention of the Committee. The words there, as they stand, are these: "any such order of prohibition may be appealed against, as hereinafter provided in this Act." The object of the section, which was one which I myself prepared, and which was agreed to last year by Lord Palmerston, was, that in cases of an order of prohibition, there should be an opportunity given to the person to remedy the mischief in existence, and that he should not, from any momentary circumstance, be perpetually deprived of the power of carrying on his trade. With that view I proposed to add the words, "and though no appeal shall have been made, or such order shall have been confirmed, application to set aside any such order may, at any future time, be made to the Court of Queen's Bench, on 14 days' notice being given to the local authority of the intention to make such application."

464. Is not this provided for by appeal to the quarter sessions?—That is a very different thing. The reason why it is so different is, that the appeal to the quarter sessions is an appeal against an order of the justices, and is obliged to be made within 14 days. It may not be possible to appeal against that order; the facts may have been as alleged at the particular time; but it may be that this state of facts can be altered; and it is important, if trade and manufactures are to be protected, that the parties should have an inducement to remedy the nuisance, and, having remedied it, be able to go to the Court of Queen's Bench, and show that they come with clean hands, and, although they could not appeal against the prohibition, yet that the prohibition, which is a very penal proceeding, can now safely be taken off.

465. No proceeding is taken under the order of the justices if the party enters into recognizances to appeal?—But such an appeal, and the removal of the prohibition, are extremely different things. The appeal is against the order of prohibition. I will admit, for the sake of argument, that a large manufacturer cannot get an order of prohibition set aside by appeal; but he may set to work, and spend a little money, and get the latest improvements introduced, and so remove the nuisance which, at the time of the prohibition, may have existed.

466. That is provided for by a new clause?—I am not aware of that. On reading the next clause, 20, it will be seen that there has been a confusion, which I have traced by comparison of the Bills. There is a transposition of lines 11 and 12. These, from "no liability" down to "such order," ought to come in at line 7, before the words "if within;" the preceding line and a half, from "until after" in line 5, being struck out, and the word "and," in line 5, changed into "but." I also submit that the lines 13, 14, and 15, which are new lines, are not sound. The proviso was not in the Bill of the 23d of January. It says, "Provided, that there shall be no appeal from the decision of a police magistrate" (no police magistrate having been mentioned), "unless the cost of the works to be done shall exceed the sum of 15 *l.*" I submit to the Committee, that, whether the cost is 15 *l.* or not, does not affect the question. In a single case in which the cost is only 5 *l.* or 10 *l.*, it may be quite as important to appeal against it as in a much larger one; for these cases go very much indeed upon precedent.

467. What you object to is, the provision that there should be no appeal where the sum to be expended in works does not exceed 15 *l.*?—Yes.

468. Mr. *Wilkinson.*] The effect of your objection would be to strike out the proviso?—Yes. Clause 23 speaks of all reasonable costs and expenses; which are to be made a charge upon the premises. This may affect property to a very great degree. I would submit that after the word "discharged," in line 41, there should be added these words: "Provided, that the whole of such costs shall in no case exceed two years' rack-rental of the premises." It is unlimited now: thus altered, you would know, at any rate, what you had to deal with. I think it will be admitted that two years' rack-rental is quite as much as ought to be called for. In line 16, section 24, page 11, I submit that these words should be added after "think fit," in conformity to the Highway Act, the Poor-law Act, and similar Acts:—"with the consent of the local authority, but not without, costs may be excused." Inasmuch as the local authority is held to be

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responsible, I think this is only reasonable. In section 25, lines 2 and 3, there are these additions made in the reprinted Bill:—"and such parties shall have power to inquire into and examine what rent is due." It is not very plain who "such parties" mean; it must be supposed to mean the justices; but it is an extremely novel principle that this new mode of determining what rent is due shall be introduced for the purposes of this Act.

469. Mr. *Irton.*] What alteration do you propose to make?—I propose to leave those words out; it is already sufficiently provided for, practically. In section 26, there are two points which I will submit. In the first place, turnpike roads are included in that clause.

470. *Chairman.*] We have struck that out?—That removes my objection. The second point is that this clause should be made in conformity with other Acts of Parliament. I think it will be found practically to be necessary. I will read it as I propose it:—"scour, cleanse, &c., as far as may be practicable, all ditches, gutters, drains, and watercourses along the sides of any highway, and in and through any lands or grounds adjoining, &c." This is a section of my own proposing, simply to carry out the intention of the Highway Act. It was adopted last year by Lord Palmerston. The next two clauses were also submitted by myself last year, and have been adopted in the Act. After the word "watercourses" I would, in accordance with existing Acts, now in force, put in the words "along the sides of the highway and," before the words "in and through," &c. The latter are the identical words now standing in the Highway Act.

471. Those are in the Highway Act?—Yes, I undertake to say that they are. I have the original draft of all these clauses. There are two or three merely verbal alterations in the next clause which I would propose; but if the Committee will permit me to submit a copy of the Bill, with these alterations made, I will not now advert to them. As to clauses 29 and 30, I would submit that these are clauses for the Public Health Bill, and not for this Bill; inasmuch as the Nuisances Removal Bill has nothing to do with hospitals, or with the condemning of animal food and other things. By the 30th clause, the inspector of nuisances may seize any meat and vegetables exposed for sale. Now, it will be seen that here there is no reference whatever to local authorities. The officer is, practically, to condemn arbitrarily; because, when we speak of animal or vegetable bodies, we know that they are not matters which can be considered at the next meeting of the justices. It gives an arbitrary power of condemnation to the inspector.

472. That clause is taken from the City of London Act?—In that case the local authority sits every week. I have my eye, if I may be permitted to say so, particularly upon the operation of this Act in the Country. The Committee have already had a great deal of evidence as to the operation of the Act in the Metropolis. I would further beg to call the attention of the Committee to the circumstance that these are cases in which formerly the Court Leet had express jurisdiction; and in most cases where the jury of 12 existed, they appointed inspectors of markets. I think I understood that sections 31 and 32, as to trades, were struck out. There was a clause which I submitted last year, and which would, I believe, have been adopted by Lord Palmerston, except for a promise made in another quarter. It was admitted that my clause would effect the purpose more consistently with the existing law, and be more safe to the manufacturers. This clause, suggested to follow what now stands as clause 33, I may, perhaps, be allowed to read. It is, that "Nothing in this Act contained shall be taken to apply to the case of any trade, manufacture, or business carried on in its usual and accustomed manner in any place or places where it might be lawfully carried on at the time of the establishment of such trade, manufacture, or business." This fully protects those trades which it is so strongly felt are being attacked. It of course affects the question of compensation. In those cases where the trades were lawful at the time of their establishment, it is a case of confiscation to say that they shall be now removed, without compensation. Therefore this Act ought not to apply to manufactures, &c., which can be proved o have been lawful at the time of their establishment.

473. You are alluding to the Act of 1844, under which compensation was to be given in certain cases: but of course you are aware that that Act would not set aside the common law, by which a party may prosecute a person carrying on an offensive trade, and the trade may be wholly suppressed without compensation?—I was not alluding to the Metropolitan Buildings Act, although I am aware of its provisions. I was alluding to the operation of this Bill throughout

throughout the country. This Bill gives power to prohibit any trade: and I submit that it should be clear upon the face of the Bill that the Legislature does not intend to attack property. In reference to clause 34, I would beg particular attention to the objects of the clause,—which has not been hitherto observed upon at all. They are, that every local authority shall feel the responsibility which it has to put the Act in force; this is a very important point; and that, at the same time, those who have to elect the local body shall feel also that the local body is responsible to them. Now the first part of the words that I submitted last year entirely met these objects; but some words have now been added at the end which entirely frustrate the intention; and this clause cannot practically work. It goes on, at line 30, page 15, "And in default of their so proceeding within the time so limited, the persons named in such order as being in default shall forfeit and pay, to some person to be named and appointed therein, a penalty to be therein stated." I submit, that if you instruct the justices, as upon the face of this Act you would in this case be understood to do, to pick out individuals of the local body, you do that which is extremely obnoxious, and which, practically speaking, would frustrate the intention of the whole section. I speak from personal knowledge, having been the author of the original section, that its intention was, that the local body shall be responsible for not having carried out the duties it had to discharge.

474. Upon whom would you propose to inflict the penalty?—Upon the local body; let the body have to pay the penalty; and, when they submit their accounts, as they will have to do, to those who appointed them, it will be seen that the local body has been neglectful of its duty, and that in consequence it has had to pay a penalty. I think nothing would be so effectual as that.

475. For that purpose would not it be necessary that there should be an inspection by the ratepayers or others of the accounts of the local authority?—The next section provides for that. This seems to me one of the most important practical parts of the Bill; the operation of which I am well acquainted with, because the original clause itself, and two sections and forms of return relating to it, were prepared by myself; and the latter are here put in almost *verbatim et literatim* as I prepared them. Therefore I can speak distinctly as to what their intention is. It is, that the duties fulfilled and the items of the accounts shall be so plain that they cannot be evaded. It is practically provided that these returns shall not be, as they usually are, lodged somewhere where the ratepayers can, but do not really, examine them; but that it shall be the duty of the local authority to send copies of the accounts to the house of every ratepayer; that is the express provision. That being the case, such items as these must appear; and, if necessary, it will be easy to make a specific proviso that they must appear. The intention of this clause was, that the place itself shall bear the penalty. The object of sound legislation, I submit, should be to make all parties feel that they are responsible, and therefore it should not be provided that some persons alleged to neglect the execution of the authority should be picked out to pay the penalty; but all the persons who compose the local authority should be made to feel that they have a duty to perform.

476. Are you not aware that, by the Highway Act, the surveyor of highways can be fined 5*l.* if he neglect his duty?—Yes; but I submit that this section will place the justice in a position in which he will have the inquisitorial duty to perform of finding out who, on a particular day, attended the meeting of the local authority, and of taking for granted what each man's motives were; I speak as one who has had some considerable experience as chairman of various Boards. The last part of the clause states that the "penalty, when recovered, shall be applied and expended in the performance of the duty neglected by the authority." That shows the futility of its operation. Who is to apply it? the local authority is the only person; and yet the justice may order that the penalty shall be applied to the performance of the duty which the local authority has neglected. I venture to state that the way in which the penalty is to be applied shows the futility of the section. In clause 37, it is proposed, practically speaking, that it shall not be necessary to prove anything at all as to the orders of the local authority or committee. Now I submit that what ought to be done, and I have the express sanction of Lord Palmerston on that point, is, that the signature of the chairman ought to be essential. Thus I would suggest, that section 37, page 16, should be altered as follows: "Copies of any orders or resolutions of the local authority or their committee, purporting to be signed by

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by the chairman of such body or committee, shall be received as evidence thereof upon proof of such signature." Te officer, of course, can always readily prove the signature. In page 17, lines 2 to 4, the words from "and" to "aforesaid," and in section 42, lines 23 to 25, the words from "and" to "ninety-three," should be struck out. Section 43, which allows Justices to act herein as such, though members of the local Board, must, clearly, be struck out.

Chairman.] That section is to be struck out.

Witness.] Section 45, I am told, has been altered so as to include a jury. I do not think that section 48, "the constabulary and police force, &c., shall aid the authorities and officers," is desirable. I submit that, if the local authority are to appoint their own inspectors, they do not want the assistance of the police, which of course makes the Act much more obnoxious. It makes every house liable to be visited by the police; and I venture to doubt whether this will give greater facility to the performance of the duties as to the suppression of nuisances, any more than heavy prohibitive duties make smuggling less likely. I doubt whether you will not, in fact, thus make the Act inoperative. I think I understood that clause 49 had been altered. There are some further, chiefly verbal, alterations which I will make on a copy of the Bill which I will hand in to the Committee at their next meeting.

477. Have you any suggestions to offer to the Committee with regard to the Public Health Bill?—I was not aware that the Committee were intending to proceed with the Public Health Bill to-day, so that I have not prepared any notes upon it, but I shall be happy to offer some suggestions upon that at the next meeting of the Committee.

Jovis, 15° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Egerton.
Mr. Freshfield.	Mr. Irton.
Mr. H. Gore Langton.	Mr. Knight.
Mr. Wilkinson.	Mr. Horsfall.
Mr. Greene.	Mr. Adderley.
Lord Robert Grosvenor.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Toulmin Smith, Esq., called in; and further Examined.

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478. *Chairman.*] WHEN you were last before the Committee, you said you would hand in to the Committee a copy of the Bill, with such suggestions as you might desire to lay before the Committee?—I have prepared a copy, which I now hand in to the Committee (*producing the same*).

479. Are there any points to which you particularly desire to call the attention of the Committee?—I have put down my suggestions on this copy of the Bill, in every one of the cases which I mentioned the other day. I stated to the Committee that there were several points which I would note here which it was unnecessary particularly to explain; but there are some points of a general nature on which I am anxious to give a little more explanation to the Committee than I was able to do the other day, because they are in reality the points upon which depend the practical action of this Bill.

480. Will you be good enough to state what the clauses are to which you desire to direct the attention of the Committee, and the suggestions that you would propose to make to the Committee upon those clauses?—I would state, in one word, in order that the point may be understood, that the clauses to which I allude are those clauses that relate to the local authority; that is to say, to its constitution and the work of its officers; and particularly a clause which is one of the most important in the whole Bill, namely, clause 34, and for which I feel entirely responsible, because it was suggested solely by myself, and it would not otherwise have been in this Bill.

481. With

481. With reference to clause 34, will you state the suggestions that you would desire to make?—Clause 34 is founded entirely upon the principle which has been always recognised by the law, that the *place* is to be responsible, and not individuals in that place, for the doing of that which is thrown as a duty upon that place. The clause was thoroughly explained when it was first proposed. The principle is familiar to every Member of the Committee, under which the hundred is liable for any riot. The object here was to secure that the local authority shall be efficient in its working, by creating a deep sense of responsibility; in the first place, in those who have to choose the local authority; and that the local authority shall be urged to the performance of its duties by the fact that its responsibility is known and felt by all those who are elected.

482. By the clause, as it stands now, a penalty is levied on the local authority for neglect of duty under this Act; what I understand you to suggest is, that the penalty which is levied should be levied upon the place, and not upon the parties?—That, in one sense, is so; but, if you will forgive me, you have rather wrongly expressed it, inasmuch as this section does not levy the penalty upon the local authority, but upon individuals. It throws upon the magistrates in every place the inquisitorial duty of singling out and saying what members of the town council, or the local Board of Health, or any other local authority, have or have not performed their duty. This, I submit, with all respect to the Committee, it is quite impossible for any justices to do; and the attempt at it would entirely destroy the responsibility of action by the local body.

483. The clause, as it stands now, inflicts the penalty upon the local authority, or the magistrate may, if he thinks proper, inflict the penalty upon a portion of the local authority?—The order here is not to be made upon the local authority at all, but only upon the individuals that the magistrate may pick out. It says, "They may make an order on the local authority, appointing a time for their so proceeding, and in default of their so proceeding within the time so limited, the persons named in such order as being in default shall forfeit," and so on. The magistrate is inquisitorially to pick out of the local authority such persons as he pleases, and to fix them with the penalty.

484. In point of fact, it amounts to this, that the magistrate may, if he thinks proper, select a portion of the local authority, that is, he may select parties constituting the local authority, and on those parties he may inflict the penalty if he shall so think proper?—Yes, that is unquestionably the effect,

485. What you desire by your proposition is this, that instead of the justices having the power of inflicting the penalty upon a portion of the local authority, they shall inflict the penalty upon the whole of the local authority?—Perhaps I may be allowed to put it in words which will more clearly express my idea. The justices should, instead of inflicting the penalty upon individuals who they may choose to say have not done their duty, inflict the penalty upon the local body itself. Such and such things ought to be done by the local authority, as a corporate body. That corporate body has not fulfilled its duty; and therefore that corporate body must pay the penalty.

486. Mr. *Knight.*] You wish the whole local authority to be charged with the penalty?—I wish the penalty to be inflicted upon them in their official capacity, and not as individuals. Under this section they are to be charged as individuals. With the greatest possible respect to the Committee, I would observe, that this section was proposed upon a constitutional principle which has been in existence in England for centuries; and wherever that principle has been departed from it has produced evil. This section would not have existed but for my suggesting it to Lord Shaftesbury and Lord Palmerston. But, in its present form, it not only does not carry out the intention with which it was suggested and prepared, but distinctly perverts that intention in the most complete manner. It is my duty, in appearing before the Committee, to request that, as the author of the section, I may be understood as protesting against it in its present form, as being a perversion of the clause as I suggested it, and, leading to the destruction of the usefulness of the measure in any way whatever. You impose a penalty upon individuals, by which you will prevent any honest man in England, or any person of respectability, from acting on any town council or local body, where he lays himself open to the possibility of any justice fixing upon him an arbitrary penalty, instead of the responsibility being thrown upon the local authority of doing, on conscientious consideration, that which the law requires the local body, as the proper administrative authority, to do.

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487. *Chairman.*] Do you propose that the penalty, if a penalty is levied, should be levied upon the local authority, and paid by the local authority itself individually, or that it should be paid out of the rates of the district that they represent?—I propose that the penalty should be paid out of the rates of the district which they represent.

488. Therefore the ratepayers of the district would have to pay for the laches of the local authority, if there was laches?—Undoubtedly; having chosen representatives, they must see whether those representatives have or have not performed their duty. It is provided expressly here, as part of the system, that the penalty shall appear on the accounts; which, I submit, with all deference to the Committee, is the surest way to secure that the ratepayers will see that they are represented properly.

489. Mr. *Freshfield.*] Will you illustrate that by showing what is the result where the hundred is made liable?—That is exactly a case in point. At the present time the hundred is held liable for a riot, and the damage is levied upon the whole hundred. According to this section, the magistrate would have to pick out from the inhabitants of the hundred those who did or did not cause, as they chose to say, the riot. I will give some facts in illustration, if you will permit me. It will be in the memory of the Committee that riots took place in Birmingham about 20 years ago, in which several shops and warehouses near the market-place were destroyed, and damage was done to a large amount. There is also the case of Nottingham: Nottingham Castle was burnt down. Those are two recent cases, in which damages to a heavy amount were levied. It was impossible, in either case, to know who the persons were who should be responsible; and, if the magistrates had known it, it would have been quite idle to proceed against them, for there was no power of recovering against them. But the result necessarily was, in each case, that the hundred being held liable for the damages, the inhabitants of the district immediately took much greater care to see that the police was in efficient order for the future. I submit that these are cases which afford a good illustration. Such an abiding sense of *responsibility* is the fundamental and thoroughly practical and sound idea of our constitutional system, as to all local action; and it is precisely applicable to the objects of the Bill now before the Committee. I did not, the other day, call the attention of the Committee specially to clauses 4, 5, 6, and 7, in pages 3 and 4 of the Nuisances Removal Bill. The point which I urged being that there should be, in every place, a responsible local committee, it follows as a consequence that all the clauses and parts relating to the Boards of Guardians should be struck out. I mention this in explanation. There are several points of detail in section 3 with which I did not trouble the Committee. They are struck out in the copy before you, in consistency with my suggestions. The clauses that follow, namely, 4, 5, 6, and 7, I have here struck out, in accordance with the same suggestions, though each of them has its individual objection. Thus, I may call attention to the circumstance, in reference to clauses 6 and 7 as to accounts, that there are other provisions of the Bill thereupon. I allude to section 35, which expressly provides for accounts in a much more efficient way, because they are to be sent to every inhabitant. I have suggested a clause, in place of the present section 10, as to extra-parochial places, which I will not trouble the Committee by reading. It is contained in the amended copy of the Bill which I hand in. I gathered that it was the desire of the Committee to provide for that. The other alterations will, many of them, explain themselves. With respect to the first clause of section 14, page 7, I take the liberty of submitting to the Committee that the nature of the suggestion which I made upon that clause can hardly have been understood, because it seems to have been the impression of the Committee, as far as I could gather, that there is a discretion left in the justice to issue the summons or not, as he thinks fit; whereas, as the section is now drawn, he really is bound, if the officer makes oath simply of his belief, without any statement in the usual way of the grounds of that belief, to issue a summons. The suggestion which I submitted to the Committee was, that the discretion should be in the hands of the justice; that he should not issue a summons upon the mere statement of belief, but should require that there shall be a statement in the usual way, as is done every day in sessions, of the grounds of such belief.

490. *Chairman.*] Your objection is to the words "and shall"?—I may call it an alternative proposition. If the words "and shall" are left out, the clause might, as to this point, remain as it now stands; but if the words "and shall" remain,

remain, I submit that the words "and of the grounds of such belief," should be inserted. I put both propositions, because I am rather anxious to show that it is an alternative. As to clause 17, in page 9, I submit that it repeats, in a mode more objectionable, what stands below in section 20. In lines 14, 15, and 16, it is stated that the justices shall "direct the works necessary to prevent such recurrence, as the case may in the judgment of such justices require."

491. That is a clause which enables the justices to prevent the recurrence of a nuisance?—To prevent the recurrence of a nuisance, it gives the justices power to direct the construction of works. Now, there is a subsequent section which provides for works; and I submit to the Committee that it would be more in accordance with the sound working of the Bill if these two lines were struck out. On the same point, I would suggest to the Committee that the word "may," in line 41 of the same page 9, section 20, should be struck out. It now reads thus: "When it shall appear to the justices that the execution of structural works is required for the abatement of a nuisance, they may direct such works to be carried out under the direction of any public Board." This only provides for the erection of works. Then in the last line it is made discretionary, that "they *may*, before making their order for abatement,"—to which I propose to add, "or otherwise,"—"require the local authority to furnish an estimate." I submit that in every such case this should be imperative, in conformity with the general tenor and mode of legislation when justices are to impose costs upon parties; it should not be discretionary, but compulsory. I propose to substitute the word "shall" for the word "may." With reference to clause 19, I have added certain words to complete that clause, as was suggested before.

492. How would you then suggest that that clause should be altered?—I suggest that it should stand as follows: "Any such order of prohibition may be appealed against as provided for by this Act; and though no such appeal may have been made, or such order shall have been confirmed, application to set aside any such order may, at any future time, be made to the Court of Queen's Bench, upon 14 days' notice being given to the local authority of the intention to make such application, setting forth the grounds thereof." This is a short explanation of the proposal:—by the Bill, as it now stands, the only appeal that the party whose works are prohibited has, is to the quarter sessions; and that appeal must be made within a particular time. Now I am perfectly willing to admit that it may be possible and very likely that there may have been a justification, at the time, for the prohibition. Therefore the appeal would fail. But I submit that it would be the part of sound legislation to hold out an inducement to all parties to take every possible step to remove a source of nuisance. You hold out this inducement when you give a party an opportunity (though he cannot appeal against the prohibition, which was right at the time), of constructing fresh works, by which he shall remove the cause of nuisance. Let him, after having so removed it, go to the Queen's Bench, and say, "We come now with clean hands; this nuisance has been removed."

493. The 19th section applies to the two previous sections?—Precisely; it applies to the orders of prohibition; the two previous sections include everything in the shape of nuisance.

494. It does not apply to offensive trades?—I submit that it does; "offensive accumulation" includes everything. I think I should explain why the few words in sections 26 and 27 are struck out. They are not struck out with the least idea of making any alteration in the sections, but simply in order to make them consistent. In section 26, it was mentioned the other day that turnpikes were to be excluded from the operation of the Act. I have also taken out the words "or assistant" surveyors, simply for the reason that, under the old law, there were assistant surveyors, who had an original authority, but under the present law there are none. The assistant surveyor is only the servant of the Highway Board; therefore to make it consistent it should be "all surveyors or district surveyors of highways." This does not alter the Bill, but merely makes it consistent with the legislation as it now stands. I suggested to the Committee a section between sections 33 and 34; I am not quite sure whether that was understood.

495. Will you state what it was?—Clause 33 may be said to end the action of the local body upon nuisances; and that is the reason why I suggest, in this place, the following addition: "Nothing in this Act contained shall be taken to apply to the case of any trade, manufacture, or business, carried on in its usual

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and accustomed manner, in any place or places where it might be lawfully carried on at the time of the establishment of such trade, manufacture, or business; nor, without compensation made, to the case of any trade, manufacture, or business which has been carried on in any place for a period of ten years before any proceedings taken in respect thereof under this Act." The meaning of this proviso is simply this: that if the trade is now carried on in the same way as it has always been carried on,—which, according to the ordinary mode of construction, is taken to be an admission that there is no positive infringement of the law,—you cannot, without compensation, call upon the parties to alter it.

496. What you propose, therefore, is, that if any offensive trade is to be proceeded against under the provisions of this Act, and to be suppressed by any possibility under the powers of this Act, the person so carrying on that trade shall receive compensation; but you would still leave him open to the law as it exists at present, and to all the tedious and expensive process of indictment, under which he may perhaps have his trade suppressed without any compensation?—I would leave him open to the common law as it now stands; and I have never heard of a single case in which traders have not been willing to be under the common law; because, by the common law, what you are obliged to prove is, an actual nuisance, instead of proving a nuisance according to the varying definitions given in any of the four different Acts that have been proposed on this subject.

497. You would not object to such a proposition as this, that the local authority, when a complaint has been made to them, if it should be proved before the justices that the complaint is well founded, shall imperatively be called upon to issue an indictment, and prosecute by indictment the parties so complained of?—I think that would be the proper mode, unquestionably.

498. Would not that be a more expensive mode than that proposed by this Bill?—Certainly not; because there will be a much higher sense of responsibility; and there will thus be a much greater confidence, in all, that all interests are carefully looked after. I again submit that the great thing to secure is the sense of responsibility in all parties.

499. Would you propose this: that where, we will say, any medical practitioner or other parties properly authorised, shall state to the local authority that a nuisance exists, it shall be imperative upon that local authority to prefer an indictment at the Sessions against the party so complained of, under the common law?—If you mean imperative under the clause 33 of this Bill; that is to say, that the responsibility shall rest upon the local authority to proceed, or to show cause why it should not be done; that is what I suggest.

500. In that case there would be no compensation at all under the common law?—There would be no compensation if the person indicted were, before the Act, liable at common law for a nuisance. I never heard of any manufacturer who desired to put the law in that respect upon any other footing. The power of prosecuting at common law now exists; but this Bill gives additional powers of prosecuting, without preserving the rights which the common law secures. It declares certain things a nuisance. The common law guarantees, that, if anything was lawful at the time of its establishment, it cannot have become unlawful now; and that, if you want to remove it, you must pay compensation. That is the principle which the law enunciates, with a certain condition as to any trade; namely, that you are carrying on the trade in the same way as at the time of its establishment.

501. Do you mean to say this, that where the local authority shall be compelled, under the provisions of this Act, to prosecute, they are to prosecute only according to the common law as it exists at present, and that if the judges shall determine that the nuisance which is brought under their consideration by the local authority is such a one as ought to be suppressed, when the order is made for the suppression of that nuisance, and possibly, we will assume for the sake of argument, the suppression of the trade, that the party whose trade is so suppressed in consequence of the nuisance shall have compensation given him?—He shall have no compensation given him, if it was not lawful at common law; that is quite definitive; that is my meaning.

502. You do not propose to insert anything in this Bill which shall give compensation to parties who may be prosecuted by the local authority, or others, under the common law which exists at present?—Certainly not; that would be giving them an additional bonus.

503. Mr.

503. Mr. *Wilkinson.*] In that case the common law would be left unimpaired? —Just so; but I would add the two lines which I have put here, for the sake of certainty. *T. Smith*, Esq. 15 March 1855.

504. *Chairman.*] You propose compensation?—I propose compensation in cases where the trade has been established without having been indicted for ten years.

505. Supposing a party is prosecuted who has established a trade above 10 years under the common law, you do not mean to say that if prosecuted under the powers of this Act, which are given to the local authority to prosecute, but still, under an indictment preferred under the common law, that the party so prosecuted shall have compensation?—Certainly not. I do not propose to give a bonus by this Bill. I would merely leave parties all the guarantees of the common law. I think that the notes I have made as to the other points will be understood, except that on the 35th section. The words there are, "the Returns shall be made to the General Board of Health." In the former case it was to the Secretary of State, who appears to be the proper person. These two provisions are different in this respect. I apprehend that the same authority should be introduced in both cases. That is merely a matter of minor detail, not a matter of great importance.

506. You are of course aware that by the common law, no matter whether the nuisance shall have existed for 10 years or for 15 years, or for 20 years, still that may be abated under the common law?—Yes; but you must show that it was a nuisance at the time it was established. I submit, with all deference, that the fact is distinctly so. The point is, that time will not create a prescription for a nuisance. If it was established 200 years ago, and was then a nuisance, the fact of its having been in existence 200 years does not make it less a nuisance. But if, at the time it was established it was no nuisance, you must grant compensation.

507. Do you mean to say that supposing an indictment is preferred at sessions or otherwise, which shall set forth that on such a day a nuisance existed in consequence of the existence of a particular trade, if that trade is proved to have been carried on in that neighbourhood for 20 years, it shall not be in the power of the judge to determine that the trade shall be suppressed?—I think it will be found that in all the cases time will be taken as evidence of the fact. We never go back, in fact, to what is called the time of legal memory; namely, the reign of Richard the First. I will beg to hand in to the Committee a copy of the Bill, with the amendments which I propose to be made in it.—(*The same was delivered in.*)

Thomas Hawksley, Esq., called in; and Examined.

508. *Chairman.*] THE Committee understand that you wish to be examined upon some points in the Nuisances Removal Bill?—I do, upon points affecting various kinds of manufactures, and various gas companies, and also generally upon some of the rights of entry, and various other provisions in the Bill. *T. Hawksley*, Esq.

509. Will you mention any particular clause to which you desire to direct the attention of the Committee?—I may mention in the first place, that I am concerned for parties not only in England, but also in Ireland and Scotland. With regard to the first and second clauses as taken together, there seems to be something wrong. In the first clause it is recited that it is expedient to repeal all such acts as relate to England and Ireland.

510. We have left out Ireland?—That of course removes my objection. Upon the second clause a difficulty appears to me to present itself in regard to the definition of the word "place."

511. The Committee have been considering those points, and now we wish to examine you simply as an engineer in reference to how this Bill may interfere with trades and works?—Quite so; but in some cases the erroneous definition, if I may be allowed so to call it, affects the companies very seriously, because the companies are brought under the operation of the Act in consequence of the definition, whereas under other circumstances they would not be so.

512. Will you tell us how the companies for which you desire to appear are affected?—I do not think as regards the companies that they are affected by this matter. But I do not appear simply for companies; I appear for a variety of parties; and I appear here also, I may be allowed to add, on my own behalf.

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513. Will you state any point to which you as a professional man desire to call the attention of the Committee?—In the first place, I venture to say that I have a strong objection to parts of the Bill as it stands, as being unnecessary, and particularly with regard to nuisances. I admit that some kind of legislation is requisite, in order to improve and increase the power for the removal of nuisances; but having had a great deal to do with nuisances myself, I may say that they may be dealt with in a simpler way. The powers of a Bill of this kind are not only objectionable, but are really dangerous, as I think I shall be able to show the Committee.

514. Lord *R. Grosvenor.*] The Committee have decided that they will have a Bill of this sort, and we are therefore not taking evidence relative to the propriety of legislating upon this subject, but upon the particular clauses of this Bill; will you confine yourself to them?—I thought the preamble of this Bill being before the Committee, was the point in question; but after what has just been stated I will say no more upon it.

515. *Chairman.*] What we want evidence upon is as to any clauses which may affect parties for whom you appear, or yourself, or the result of any knowledge which you may have acquired upon this subject?—It appears to me that under the limitation with regard to the 3d clause, there is an exceedingly great amount of complexity as to the number of different bodies that are to be constituted local authorities. I believe that it is possible to constitute only one body, and that a very efficient one; a local authority, namely, the Board of Guardians; the Board of Guardians are the representatives of the ratepayers, and they are competent in all places to act.

516. You would propose, therefore, instead of the various authorities that are proposed to be constituted under this Act, that the Board of Guardians should supersede them all in every case in which you consider that a local Board of Health ought to be appointed?—Quite so; the purposes of this Act are the removal of nuisances and the other objectionable matters which this Act deals with; and I think the Boards of Guardians are better fitted for those duties than the town councils, or other local authorities here named.

517. Mr. *Egerton.*] Upon what do you ground that opinion?—Upon several reasons. The fourth clause ought, in my opinion, to precede the third clause, as it relates to a matter precedent; but in the principle involved in the fourth clause, namely, the appointment of the committee by constitutional vestry, I entirely agree; and then I think that, in a way which I will very shortly mention, the Board of Guardians should put the Act in force.

518. What is the ground of your opinion as to the preference of the Board of Guardians here to any other local authority?—The Board of Guardians have the control of the rates which are levied over the whole of the district, and the subject-matter of the improvement of health is more intimately connected with their ordinary powers than any other body. The Board of Guardians are also the more direct and immediate representatives of the ratepayers than any other of these bodies.

519. Will you explain the answer you gave just now about the vestry appointing a committee?—Certainly; I do not think that I can explain it without reading a portion of the clause. "The said nuisances removal committee shall be elected as follows: any person resident in the parish or part of the parish for which the committee is to be elected, and rated to the relief of the poor on an annual value of not less than 15*l.*, may be proposed and seconded as a member of such committee, at a duly summoned vestry meeting, by any person qualified to vote thereat." This committee, as I understand the Bill, is to initiate the proceedings, and to commence the operations. Now that committee is again a very direct representative of the ratepayers. I would propose to allow of a committee being appointed which should go out of office annually instead of going out of office by a rotation of one-third annually, so as to give the ratepayers a sufficient opportunity, inasmuch as this is a penal Act, of considering the whole of their proceedings. The town council only goes out of office in three years, and I would have the local authority, for the purposes of this penal Act, go out of office annually. There is a great distinction between a mere executive body and a body which sits with the extraordinary and peculiar power which is given under this Act, and their proceedings ought consequently to be frequently under the immediate and direct review of the ratepayers.

520. Mr. *Horsfall.*] When you speak of the guardians being more the representatives

sentatives of the ratepayers than the members of the town council, are you aware that very frequently no interest whatever is taken in the election of guardians, while great interest is taken in the election of members of the town council?—I do not know that. I know the reverse to be the case in towns which I could mention, but I am desirous to put out of the question any particular localities, as far as I can, because this is a public question, and the proceedings are to affect the public generally, and therefore I want to confine myself, as far as possible, to general observations; but if the Committee desire it, I am willing to go into that matter, and state the towns and places in which a great deal more interest has been taken in the election of Boards of Guardians than of members of the town council. And I draw a great distinction between the powers conferred on town councils and the powers conferred on Boards of Guardians. The town councils do not come into communication constantly with the poor, or rather the working classes, for whose benefit, as I apprehend, this Bill is principally promoted. The Boards of Guardians have the working classes constantly before them; they know their condition by means of their relieving officer, and from the persons who are the recipients of relief being constantly brought into communication with the Boards of Guardians; and, in my opinion, they are a much fitter body for the purpose of initiating proceedings of this kind. They have a general local acquaintance with the town, and especially with the lower parts of the town, with which the town councillors have very little to do, and I think they are altogether a fitter body for this purpose. The medical officers of the Board of Guardians constantly visit the poorer classes, and altogether they are, in my opinion, a fitter body for the initiation of proceedings of this kind than town councils; and inasmuch as the town councils do not exist everywhere, and as Boards of Guardians, as nearly as possible, do exist everywhere, and as it is desirable to have one simple form of proceeding, and one well known body all over the kingdom, to carry out purposes of this kind, I think it very much better that Boards of Guardians should have the powers than the town councils.

521. *Chairman.*] We are anxious to have your information as a practical man. We were told that you were desirous to give information to this Committee in relation to gas companies, but we understood you to say that you had no observation to make in relation to gas companies?—No, quite the contrary; what I said had particular reference to the definition of the word "place."

522. I understood you to say that you appear not only on behalf of gas companies, but on behalf of persons carrying on what are called offensive trades?—Certainly.

523. Do you desire to direct the attention of the Committee to any particular clauses in the Bill which may affect those parties?—Certainly.

524. Which clauses are they?—The 31st is an important clause.

525. You desire to direct the attention of the Committee to clause 31?—Yes, and clause 32; in fact there are a great many other clauses bearing upon the subject; clause 33, for instance.

526. Clause 31 is struck out, and clause 32 is struck out, and other clauses have been suggested to the Committee which have met with the approval of persons who have appeared on behalf of offensive trades?—Unless I was aware how the clauses had been altered, of course I could not say how gas companies would be affected by them, but as the clauses at present stand they are most seriously affected.

527. Have you heard the substance of the clause, or the clause itself, that was suggested in a great measure by Mr. Maynard, and accepted by us on behalf of the trades that he represented, and which is proposed to be inserted in lieu of clauses 31 and 32?—No.

528. The clause as it stands runs thus: "If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any manufactory, building, or place used for any trade, business, process of manufacture, causing offensive effluvia, be at any time certified to the local authority by any medical officer or any two legally qualified medical practitioners to be a nuisance to the inhabitants of the neighbourhood, or injurious to the health of the inhabitants, the local authority shall direct complaint to be made before any justice, who may summon before any two justices the person by or on whose behalf the work complained of is carried on, and such justices shall inquire into such complaint, and if it shall appear to such justices that the person complained against in carrying on his trade or business causes any noxious or

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offensive effluvia so as to be a nuisance or injurious to the health of the inhabitants of the neighbourhood, without using the best practicable means for preventing or counteracting such effluvia or other annoyance, the person so offending (being the owner or occupier of the premises, or other person employed by such owner or occupier) shall, on a summary conviction for such offence, forfeit and pay a sum of not more than 5*l.*, nor less than 40*s.*; and upon second conviction for such offence, the sum of 10*l.*, and for each subsequent conviction a sum double the amount of the penalty imposed for the last preceding conviction, which shall not in any case exceed the sum of 200*l.*; provided always, that the justices may suspend their final determination in any such case, upon condition that the person so complained against shall undertake to adopt, within a reasonable time, such means as they, the said justices, shall judge to be practicable, in order to be carried into effect for mitigating and preventing the nuisance complained of, or shall give notice of appeal in the manner provided by this Act, and shall enter into recognizances to try such appeal, and shall appeal accordingly." Then there is a provision made for appeal to the sessions for trial by jury: and there is a provision which relates to the summoning of the jury in accordance with the Act of 1844; that is the proposal that was made, and which was assented to by the gentleman who represented a large body of traders?—There is no doubt the clause has been very generally approved; but still I can see at once, from the large experience I have had in matters of this kind, that a great deal of difficulty turns upon the use of the word "nuisance;" because, as I gather it now, the clause is worded in the alternative. It says, if it is a nuisance, which may be anything that anybody does not like in the neighbourhood, *or* if it be injurious to the health of the inhabitants, then all these proceedings may be taken.

529. If it is a nuisance to the neighbours, or, in the alternative, if it shall be injurious to the health of the neighbours, then, upon the certificate of duly qualified medical practitioners, the local authorities may institute proceedings before a justice, and the justice may, if he think proper, suspend those proceedings for a time, and if he convicts, the party convicted may appeal against the decision of the justices?—No doubt; but that does not remove my objection. As regards the definition, I do not know whether I am to read the word "nuisance," used in that clause, as defined by the 12th clause.

530. It is in relation to offensive trades?—No doubt. Then I suppose that the word "nuisance" is to mean anything which any person who resides in the neighbourhood may consider to be disagreeable.

531. But there is a certificate provided for by the clause?—That certificate may in effect simply state that it is disagreeable, and not that it is injurious to the health of the inhabitants.

532. You think it requisite that it should allege that the nuisance is injurious to the health of the inhabitants?—Quite so; otherwise, I apprehend that it opens a very wide door.

533. Then I will put the same question to you that I put to another gentleman who was here the other day. Do you mean to say that if a person creates the most offensive smell that can possibly be conceived, which smell is spread over the neighbourhood, if it is not proved that the smell is injurious to the health of the inhabitants, that person shall be entitled to create that offensive effluvia in the neighbourhood without being liable to punishment?—Quite so, as regards an Act of this kind, because all the common law proceedings are reserved to be put in force. I do not mean to say, and I do not wish it to follow from what I say, that any offensive effluvia of that kind might not, under some circumstances, or any circumstances, be removed; but what I mean to say is, that the law as it now stands is quite sufficient to meet those cases.

534. Then what you make an objection to is, that there should be summary power given to any parties of preventing a nuisance of an offensive character, and that any parties desirous of suppressing it should be thrown back upon the law as it now exists?—Thrown back upon the law as it now exists, with this difference, which I am quite willing to admit is desirable for the protection of persons whose property is insufficient to enable them to take any expensive proceedings. Some local authority, although I object to the local authority as constituted here, should have the power to put the common law in force, but what I object to in this clause is this (and I object to it on behalf of companies that I represent), that extraordinary powers should be brought into operation against a nuisance which is not injurious to health. And I may give many illustrations. Many

persons

persons think the effluvium arising from a dye work or bleaching work is very offensive. I know cases, and I have one in my mind's eye at this moment, where two medical men reside and have property in the immediate neighbourhood of a thing which they deem to be a nuisance, but it is no nuisance in point of fact; that is to say, as being injurious to health.

535. Mr. *Egerton.*] Whereabouts is this to which you are now referring?—In Derby. There are two medical men there, who are desirous, because their gardens extend down to the gasworks at the back of their houses, to suppress those gasworks and to have them removed. Those two medical men are, "two legally qualified medical practitioners," as mentioned in this clause; those two medical men would have the power of bringing into operation the summary process we object to, provided by this Act, and so of putting down an undertaking which is not injurious to health, but which is not agreeable to the nose; it is very true that they cannot do it in a perfectly direct way, but they can do it by imposing penalties. Those gentlemen are both, or at least one of them is, strongly supported by another medical gentlemen also living near, who is a member of the local authority that is provided by this Act to deal with these objectionable matters, and he is an influential member, and there are a great many persons who go with him upon most public questions; and I therefore think that this Bill makes provision for effecting in a way which is highly injurious to the public interests, the suppression of valuable private enterprises, instead of leaving parties to put the common law in force as it now stands, and going to trial before a higher court, if necessary, to determine whether it be a nuisance or not. That, I submit, is the proper course of proceeding in such a case, inasmuch as it is not a process injurious to health.

536. *Chairman.*] The words of the clause are these; "without using the best practicable means for preventing or counteracting such effluvia or other annoyance." What objection is there to the insertion of those words?—Simply that nobody knows what is meant by them.

537. Mr. *Adderley.*] Do you mean that under this Bill the local Board at Derby would be able to proceed against those works?—They would be able to proceed against them.

538. But they have no power at present?—They have the power of putting the common law in force, they are the parties to do it. They can indict the works if they are a nuisance.

539. Mr. *Irton.*] Steps may be taken to mitigate the evil with regard to the gasworks; for instance, you are perhaps aware that at Carlisle there are gasworks immediately under the gaol; it was represented to the magistrates that the smell was exceedingly offensive, and notice was given by them that unless the evil was mitigated proceedings would be taken, but the result was that the evil was mitigated, and no evil now arises from those works; are you aware of that?—I was not aware of that. If that be so it shows that the law as it now stands is sufficient for the purpose.

540. Mr. *Adderley.*] Is there a local Board of Health there under the Act of 1844?—There is.

541. *Chairman.*] Do you mean to state to the Committee that the local Board of Health at Derby have the power now of appropriating funds which are levied under the provisions of the Public Health Act, and are bound to apply those funds to the mitigation of such a nuisance as gasworks?—No, I made no observation upon that subject; but what I said was this, that I was perfectly willing to admit that there should be some easier remedy given than now exists; that there should be some public body who should have the power of putting the common law in force, instead of leaving it to be done in all cases by private individuals.

542. Then your objection is not to giving a power to those parties to apply funds which they may receive to abate the nuisance, but you object to giving them any fresh power in relation to the suppression of nuisances unless those nuisances are injurious to the public health?—In relation to the suppression of nuisances under the 31st clause, I wish to be clearly understood, because I am now upon the 31st clause; I am upon the clause as amended. The 33d clause makes the very provision which I am endeavouring to suggest, and therefore I think that the 31st and 32d clauses are not necessary. I may take the case of bleachers and tanners; in their processes, which are some of the most important in the country, there are noisome smells; or you may take the case of druggists; there is nothing more offensive sometimes than a druggist's shop, or a laboratory;

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tory; but this shop the immediate neighbour may seek to put down under this particular clause, because there are processes carried on there which, though they are not injurious to health, are very noisome.

543. Cannot they be mitigated in any way?—I am not aware that they can. A man cannot mitigate the smell of a druggist's shop. Then there are a good many common cases that come before me. I know an instance in which a cheesemonger set up a shop next door to a surgeon; the house which the cheesemonger took was altered into a shop next door to what was the residence of a medical man. Now this cheesemonger made a smell by bringing the cheeses into his place; and this was complained of by the surgeon as a nuisance to him. I know of large stores filled with cheeses worth 10,000 *l.*

544. Mr. *Wilkinson.*] Do you think this Act applicable to such cases as those?—I do.

545. *Chairman.*] You are aware that all this must be done upon the certificate of two legally qualified medical practitioners?—I am perfectly aware of that; but I know also how easy it is to obtain medical certificates in cases of alleged nuisance.

546. Have you any other suggestions to offer to the Committee?—No; after the intimation of the Committee, I have nothing more to say upon the subject.

Joseph John Scoles, Esq., called in; and Examined.

J. J. Scoles, Esq.

547. WHAT are you by profession?—An Architect.

548. Do you appear on behalf of the Institute of British Architects in reference to the Public Health Bill?—I do.

549. Is that Institute a chartered corporation, and are you one of the honorary secretaries?—It is a chartered corporation, and I am one of the honorary secretaries.

550. I believe you have already presented a petition to the House of Commons against this Bill?—We have.

551. Do you desire to go into all the allegations set forth in that petition, or only into those connected with the objects of your profession?—I should propose to go into those parts of the Bill that appear directly or indirectly to apply to the Institute as a professional body; but I am prepared, if necessary, to support all the allegations which we have made in our petition.

552. What may be considered to be the professional object for which this Institute is founded?—The charter states, that it is founded "for the general advancement of civil architecture, and for promoting and facilitating the acquirement of the knowledge of the various arts and sciences connected therewith, it being an art esteemed and encouraged in all enlightened nations, as tending greatly to promote the domestic convenience of citizens, and the public improvement and embellishment of towns and cities."

553. In what way do you carry out the objects for which you have obtained your charter?—By attending as much as possible to, and giving our opinion on, various subjects that have been brought before the Legislature, in reference to the health of towns, public buildings, private buildings, and other matters connected with building in general.

554. How have you given that information?—We formed a committee, and made remarks and amendments, as we conceived, upon the last Metropolitan Buildings Act.

555. Did that Metropolitan Buildings Act appear to you to be a satisfactory measure?—Not by any means. The suggestions which we made were not entirely adopted.

556. In what other ways have you endeavoured to carry out the charter, the provisions of which you have just stated to the Committee?—By holding meetings at stated intervals, in which we have papers read, and discuss subjects connected with art and science and other matters in relation to architecture; we meet every fortnight.

557. Will you be good enough to state your objections to the Bill, confining your remarks to those matters in which you may feel professionally interested?—I beg first to refer to the fourth paragraph of our petition, and section 68, page 26, which relates to the appointment of officers under the Board.

558. It runs thus: "That no provision is made in the said Bill to prevent a recurrence of the evils which ensued from the operations of the late General Board of Health, or to render it incompetent for the superintending inspectors, whose duties should be strictly of a public character, from undertaking works for

for their personal profit in the districts with which they may be officially connected;" you think that notwithstanding superintending inspectors are appointed by the General Board of Health, as it exists at present, with a distinct understanding in writing that they are not to undertake any works, or to enter into any contract of any sort or kind, it would still be advisable that a clause should be inserted in the Bill for the purpose of carrying out what is the practice of the present General Board of Health?—Decidedly so. There should be a clause inserted in the Bill preventing them from undertaking any works.

559. Do you believe that very great inconvenience arose from the superintending inspectors as they existed under the late Board of Health undertaking contracts and giving estimates for works when they were sent down by the late General Board of Health?—I believe very great inconvenience arose from it.

560. Are you aware that under the present General Board of Health the whole of that system is altered, and that the stipendiary inspectors are prohibited from doing anything of the sort?—It does not appear from the Bill to which our attention has been drawn; and we desire that it should be enacted that they should be incompetent for undertaking these works.

561. There would be no objection on the part of the present Board of Health to inserting a clause in the Bill carrying out the instructions which are issued by them now; would that meet your views?—We shall be quite satisfied if that is inserted in the Bill.

562. To what other section of the Bill do you wish to call the attention of the Committee?—As respects the same clause 68, as regards the qualification of the local inspectors, we wish to call your attention to that, in connexion with the previous objection.

563. Clause 68, to which you wish to draw the attention of the Committee, refers to persons appointed by the Local Board of Health, and not to persons appointed by the General Board?—Yes.

564. To the surveyors and inspectors of nuisances in particular?—Yes. I may perhaps be allowed to suggest that the surveyors and inspectors ought to be duly qualified scientific persons; and to secure this the Institute would suggest that their knowledge should be tested by a proper examination, in the same way as surveyors are examined previously to their being qualified to hold the office of district surveyor under the Metropolitan Buildings Act. We think that the examination should be before the Board of Works, who have quarterly examinations for granting certificates for the qualification of district surveyors; and they might give similar certificates for officers to be appointed under this Bill.

565. Mr. *Irton.*] Do you think a local body incompetent to take care of their own interest?—We think they are, from their constitution. It might perhaps be objected to this proposition that it would bring gentlemen from different parts of the country to London; but we think that the facility of communication is now so great, that distance cannot be a reasonable objection with regard to the country candidates.

566. *Chairman.*] Who would you propose to appoint to examine these persons before they were appointed?—There is a Board already in existence, the Board of Works, that hold quarterly examinations for district surveyors for the metropolis.

567. Those surveyors are appointed by the magistrates at quarter sessions?—Yes; but they cannot be elected unless they produce a certificate that they have been duly examined by the Board of Works, and have been found qualified.

568. What is the nature of the examination that takes place before the Chief Commissioner of Public Works?—It is not, I think, solely before the Chief Commissioner; it is before a Board of gentlemen; there is a Board that examines as to the proficiency in architecture, surveying, and general knowledge of building.

569. Who constitute that Board?—The officers of the Board of Works.

570. Who are those officers?—Of course the Chief Commissioner would be the first; the official referees are *ex officio* members of it; and I believe that the gentleman who holds the office of surveyor to the Office of Woods and Forests, is also one of the examiners.

571. Were you rightly understood to propose that, supposing the case of Liverpool, or Manchester, or Birmingham, or any great or small place, being desirous of putting the Public Health Bill into operation, it being necessary for

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them to appoint surveyors or architects they should not have the power of making any appointment unless the persons had been sent up to London and received a certificate from the examiners appointed by the Chief Commissioner of Works that they were duly qualified to do the duty?—Exactly. The Board meet every three months, and there would be no difficulty in attending such an examination when required.

572. Mr. *Irton.*] Would you apply the same rule to all small places in the country?—Yes; as we have a competent Board in London.

573. Do you mean to say that you have no confidence in the local authorities?—Many cases must arise in which they are not competent.

574. Mr. *Adderley.*] Are there any scientific people on the Board of Examiners?—They are all professional men.

575. *Chairman.*] Are all these persons who now examine, architects or builders?—They are.

576. Is the Chief Commissioner of Works an architect?—No; he presides.

577. Is Mr. Phillips an architect?—I do not think he examines.

578. Are the official referees architects?—Yes; they must be, all of them.

579. Is the registrar an architect?—The registrar does not attend; he is not one of the official referees.

580. Do you think that the body which was appointed for the metropolis to grant certificates to the surveyors who were appointed under the Metropolitan Buildings Act, by the magistrates in quarter sessions, is the fit and only tribunal to judge as to the qualifications of persons before they are appointed to be local surveyors?—I think so; and I am not aware of any other tribunal that is so competent.

581. Notice has been given for leave to bring in a Bill to repeal this Metropolitan Buildings Act. Supposing this Act is repealed, would you suggest any other tribunal which should decide upon the qualifications of persons before they should enter upon the duties of provincial district surveyors?—No, I cannot. May I be allowed to add, that one of the official referees is a Professor of Civil Engineering at King's College.

582. To what other section of your petition do you desire to direct the attention of the Committee?—To section 5.

583. Section 5 is, "That the clauses of the said Bill which are introduced avowedly to protect districts or places against the compulsory application of the Act contemplated thereby, would be rendered by subsequent clauses virtually illusory and inoperative." In what way does that affect you as an Institute of British Architects?—Wherever the Act is applied of course it affects us.

584. Does it affect you injuriously?—We think so, and have proved that we think so, by presenting a petition against the Bill.

585. In what way does it affect you injuriously?—The various objections which I am prepared to make to the terms of the Bill, will be the best answer to that question.

586. In what way are you, as an Institute of British Architects, injuriously affected by clause 41 of this Bill?—We consider that it would affect us in the discharge of our various duties, and chiefly as pressing upon the building property of the country. We think that the science of architecture will be hampered and impaired, and interfered with by the operation of the aforesaid Bill.

587. Clause 41 applies only to places where there shall be an excessive mortality, in which case the General Board of Health may apply the Act. Will you state in what way the 41st section of the Bill would injure you as an architect?—The Act may be applied to any place where the mortality should amount to 23 per thousand; the average mortality is 22 and a fraction per thousand, so that an epidemic, or a very slight increase of mortality, would bring any town or place within the operation of the Act.

588. Supposing that the ratio of mortality mentioned in this clause, instead of being 23 per thousand, were brought up to 100 per thousand, would not that operate precisely in the same way against you?—Yes; we object to the clause, as making the Act compulsory.

589. Then you object to the General Board of Health, under any circumstances, applying the Act compulsorily?—Yes.

590. But how does this interfere with you as an architect?—Because we conceive that the Act, in many of its clauses, interferes with the proper authority and jurisdiction of architects.

591. Will you show any clause in which the authority and jurisdiction of architects are interfered with?—It is by clauses 91, 92, and 93, pages 34 and 35.

592. Are you aware that it was stated by me on the second reading of the Bill that these clauses have been struck out, and therefore they can no longer apply?—Yes; but if I understand rightly, they were to be replaced by a provision that the Local Board would have the power of making bye-laws, and thus these clauses might be reintroduced.

593. Are you aware that it was stated that in lieu of these clauses the local Board would have the power of making bye-laws, but that, before those bye-laws came into operation, they must be sanctioned by the Secretary of State?—In answer to your question I may state, that we have nothing but the Bill to look to, and we conceive that these clauses would oblige architects to give copies of plans and sections of every house that they were about to build to the Board of Health; and though these clauses are struck out, we still have no guarantee that they may not be reintroduced as bye-laws.

594. You spoke of this Bill as interfering with the authority and jurisdiction of architects; what do you conceive to be the authority and jurisdiction of architects that is interfered with?—We object to the clauses I have already named in the Bill, and we wish to have some guarantee that these objectionable clauses shall not be reintroduced as bye-laws.

595. Will you tell us what else there is in the Bill that you, as an architect, or as representing the Institute of Architects, object to?—We object very much to the provisions for laying out streets.

596. What clause is it under which that objection arises?—Clause 95.

597. You stated that it is your duty under your charter of incorporation to give assistance to the country with reference to architecture; this clause was introduced in the year 1848; were you in existence at that time as an institute?—We were.

598. Did you take any steps during the progress of this Bill through the House, it having been presented in February, and not passed finally through the House till August, to call the attention of the Chief Commissioner of Woods and Forests, who introduced the Bill, to the provisions of that clause?—I am not aware that we did. I was not aware of the clause.

599. You did not object to that clause in the year 1848?—I was not aware of the clause. I think that the clause is quite different under the present Bill from what it was under the old Bill, because in the new Bill the word "street" is defined in a different manner from what it had been in the ordinary acceptation of the term. If you will allow me to call your attention to the definition of the word "street," in p. 3, it will show what I now object to.

600. What objection have you, as an architect, to the clause as it at present stands?—I have a great many objections to it.

601. Will you state them?—We object to the power given to the local Board of sewering, levelling, and paving ways in which there is no thoroughfare, and along the side of which there are no buildings.

602. Is there anything new in that part of section 95, as compared with the Act of 1848?—Something new has been introduced by the new definition of the word "street." The local Board can arbitrarily apply the levelling and sewering and paving of ways which are really private ways, and which belong to private people. If you will allow me, I will just read in full the objection which we have to that clause all through. Power is given to the local Board of levelling, paving, and sewering of private ways, and ways along which there is no thoroughfare, and along which there are no buildings, charging the expense upon any owner of the property through which the way may pass.

603. As you say there is a difference between the provisions of this clause and the provisions of the clause contained in the Act of 1848, will you inform the Committee what the difference is?—It is as regards the definition of the word "street." I have not the Act of 1848 by me, but I may say that there is a new definition of the word "street" in page 3.

604. It appears, by reference to the Act of 1848, that the definition of the word "street" is more limited in the present Bill than it is in that Act; were you aware of that when you made that objection?—In the present Bill it is enacted that the term "road" shall include "any highway not being a turnpike road, and any road, public bridge, not being a county bridge, lane, footway, square,

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square, court, alley, passage, whether a thoroughfare or not." We would merely suggest a slight alteration which would make it quite clear. We would read, "any road or bridge, not being a county bridge, lane, footway, square, court, alley, or passage appropriated to the public use;" that would get rid of the words to which we object, as regards its being applied to private parties. The word "road," under the present wording of the Bill, might apply to a path or a road to a gentleman's house, and the local Board might make a sewer through it.

605. Then what you wish is, that the clause should be confined to public highways, instead of interfering with private property?—Yes.

606. Will you be good enough to answer the question which I put before. What evidence would you wish to give as an architect, in reference to any part of this Bill, which affects you professionally?—I will state various objections, if you will allow me.

607. Will you be good enough to draw the attention of the Committee to the clause upon which, as you state, your objections as an institute are founded?—I would take clauses 109 and 110, pages 47 and 48, which relate to the service of notices; we beg to suggest that there should be a longer time for the service of notices; for persons may be abroad.

608. How does that affect you as an architect?—An architect is often agent to a gentleman's estate; in that capacity he has a notice served upon him to the effect that a fine will be imposed unless he enters into an arrangement with the Board within a certain time, which he may not have the power to do; the owner may be abroad, and the architect may not have an opportunity of communicating, and of informing him that his property will be injured or interfered with; we should require longer notice.

609. How does that affect you as an architect?—Because an architect is very frequently an agent, and a gentleman goes abroad, and he says, "Look after my estate, and see that all is done properly."

610. The Committee request you to give evidence as an architect, and in reference to structural works; is there anything in this Bill upon which you would desire to remark as an architect in relation to structural works?—The local Board will have power, under clause 74, page 27, to construct any sewer, and to carry such sewer through private land.

611. You are aware that that is the same clause as existed in the year 1848, when the Institute of British Architects did not find it expedient to make any suggestion to the promoters of the Bill?—That Act, I understand, was very little in operation, and I have understood that it worked so badly as to cause the present Bill to be introduced.

612. That Bill was under consideration from the 10th of February till nearly the last day of August 1848; during all that time it might be said to be before the public. Did you, during the progress of that measure, draw the attention of the promoters of the Bill to this very same clause which it is proposed to insert in this Bill, and which is copied from the Bill of 1848?—No, we did not; but we do not conceive that finding it in the present, Bill we shall be precluded from objecting to its being perpetuated.

613. Will you state your objection to the clause as it stands?—We object to it because this authority has the right to construct sewers and carry such works and such sewers through private lands; and by the 76th clause, no person is, without the consent of the local Board, to be able to build over such sewer that may be carried through private grounds.

614. Supposing it is necessary to drain a district, and a small plot of land should interfere, which it is absolutely necessary to take for the purposes of the drainage, do you object to that land being taken?—We have no objection to any easement; but the present Act gives the local Board, if they find a piece of ground which it is necessary to go through, the power of taking it without the consent of the owner.

615. You do not object to taking the land as an easement for the purposes of a drain, provided the party whose land it is, is not prohibited from building over the sewer?—No, we do not.

616. What other clause is there which you, as an architect, object to?—We object to the small qualification of 15*l.* in any large town.

617. As an architect, speaking with regard to structural works, what clauses do you object to?—We object to that clause which empowers one-tenth of a town

to

to legislate for nine-tenths, and we conceive that that power of legislation is injurious to us as architects.

618. Mr. *Egerton.*] How does that qualification affect you as an architect?—We think it puts too much power into the hands of the local authorities, persons who are not sufficiently qualified to legislate on such important points as the regulation of buildings, ventilation, draining, and so on; and it seems to be contemplated by this Bill that one-tenth of the ratepayers should have the power of legislating for nine-tenths, and making bye-laws, over which at present we have no control.

619. *Chairman.*] Will you state what clause of the Act enables one-tenth of the inhabitants to apply the Act?—Section 32, page 14.

620. By section 32, clause 3, it is provided that a petition for the application of the Act shall be subscribed by one-tenth of the ratepayers belonging to such district, and the statements contained in such petition shall be verified in such manner as the General Board requires. What provision do you find there that one-tenth of the ratepayers shall apply the Act?—I conceive that the requisition would enable them to do so.

621. The petition to the General Board may be signed by one-tenth of the ratepayers; do you think that does not apply to the Act?—I was given to understand that it only required one-tenth of the ratepayers to apply the Act.

622. Mr. *Irton.*] You state that as an architect you object to this clause, because there is no power of control over the local authority in making bye-laws?—Yes.

623. Has the Institute of Architects any authority to interfere with the bye-laws made by local bodies?—No; but when we have had any Bills connected with architecture, we have been accustomed to make suggestions concerning them.

624. Have you, as an Institute of Architects, any control over the bye-laws made by any local authority in the kingdom?—No.

625. Mr. *Adderley.*] The basis of your objections is the clause that has been struck out?—I understood that this clause was struck out, with the proviso that the local Boards shall have the power to frame bye-laws. Now, we wish to guard against these bye-laws being framed in a manner that may be injurious to our profession.

626. *Chairman.*] It was intimated to the Committee the other day, that you had some suggestions to make relative to this, and that it would be objected by the Institute that the local Board should not have the power of framing laws without the sanction of the Secretary of State; do you object to the local authority making bye-laws?—Provided that they be sanctioned by the Board of Works, we do not; we think that a more competent authority for that purpose than the Secretary of State.

627. You do not object to the local authority making bye-laws, but what you suggest is, that the Chief Commissioner of Works should be the party to sanction the bye-laws rather than the Secretary of State?—Yes, in connexion with the Board of Works.

628. Have you any other suggestions to make to the Committee?—I object to the appeal to quarter sessions as directed in sections 85 and 91.

629. That imposes a penalty against persons erecting houses without water-closets?—We object to the enforcement of these clauses by heavy fines, and to the appeal to quarter sessions, which we think will create great confusion and delay.

630. That is a clause taken from the 11 & 12 Vict. c. 63, and which was passed in 1848; what is your objection to that?—I beg to submit that if we do not object to it now, we have no power of doing so hereafter.

631. The clause runs thus: "That every house built after the constitution of the district, and every house pulled down to or below the ground floor, shall be furnished, to the satisfaction of the local Board, with sufficient water-closets or privies and ashpits, which shall be furnished with proper doors and coverings; and any persons offending against this enactment shall incur a penalty not exceeding 20*l.*;" why do you object to that clause?—We object to the penalty.

632. Why do you object to the penalty?—We think that it would be sufficient if a duly and properly qualified officer was appointed who would do his duty properly, and find out the defects, and cause them to be remedied without imposing fines; the Building Act works very well in that respect. If the houses

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were not properly finished, he would be bound to find it out, and alter it, without any fine being enforced.

633. Supposing it is necessary to provide for sufficient water-closets or privies, or ash-pits furnished with proper coverings, how would you compel parties to have these conveniences, unless they were punished by a fine if they had them not?—There would be no difficulty; if you made it necessary that, unless they had a certificate from the local Board of Health that the house was built according to the provisions of the Act, persons could not live in it.

634. Do you mean to say that, unless the local Board of Health gave a certificate that the house is in a proper condition to live in, persons should not be allowed to occupy it?—Yes; I conceive that that would give great facility to the working of the Act.

635. You would propose that, instead of a person being liable to a penalty for not having water-closets, and so on, the local Board should have the power of preventing the house from being inhabited unless it was built according to the satisfaction of the local authorities?—Yes; unless these conveniences were put in according to the requirements of the local Board under their jurisdiction.

636. You wish to give a greater power to the local authority than that which is given by the Bill?—Yes, as I think it would be a better protection to the public.

637. What other clause do you object to?—We object to section 95, pages 8 and 9.

638. You object to section 95, which enacts, that one month at least before any new street is laid out, the person intending to lay out or make the same shall give to the local Board a plan of such street?—Yes, we object to that, as not giving sufficient notice.

639. The notice is to be given by the person laying out the street to the local authority; it is not to be given by the local authority to the person laying out the street?—I mistook my reference; but we object to the power given arbitrarily to settle all the requirements of construction for the ventilation of houses, that is provided for under sections 85 and 91. Sections 85 and 91 will give power arbitrarily to settle all the requirements of construction, drainage, supply of water and ventilation of houses.

640. That is a clause that you have just now mentioned in reference to water-closets, &c. being provided for a house?—Yes, but we look upon the clause as being rather too compulsory; we have other objections to make, which, as they do not come within the definition of "structural works," I will not press on the Committee, but I beg to submit that all the objections I have made, apply to and affect us as architects.

Toulmin Smith, Esq., was called in; and further Examined.

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641. *Chairman.*] WILL you state to the Committee any suggestions which you desire to make upon the provisions of the Public Health Bill?—I have looked at the amended copy of the Bill which has been placed in my hands, but as I have not had time to examine it carefully, I would desire to confine my observations to the Bill as it stands at present. I would wish to suggest remarks which bear upon some of the administrative points in the Bill.

642. Will you draw the attention of the Committee to those broad features of the Bill upon which you have any remarks to make?—That is precisely what I desire to do. I do not wish to go into any verbal criticisms, but I wish to remark generally as to the operation of the Bill; and I would take the liberty of saying, that I shall found my remarks upon actual facts, which are wholly within my own knowledge. I do not wish to introduce any hearsay matter at all. The matter has been very familiar to me for a long time. The references which I shall make are to the Bill as it is before the House, not to the amended Bill. With the permission of the Committee I will pass over Part 1 for the present, without observation. With regard to Part 2, I would call attention to a comparison between some of the administrative clauses as they stand here, and in the Public Health Act 1848. By that means, the bearing of the facts which I shall submit to the Committee will be better shown. The provisions I have particular reference to are the modes of adoption and application of the Act. I have perceived, by the glance that I was able to give to the amended copy of the Bill, that there are no material alterations in that respect; there

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is a little transposition of clauses which might, as I think, have reference to the distinction between the adoption of the Act and its application; that is, the adoption by the consent of the inhabitants, and the application, which is without the consent of the inhabitants; I refer to clause 13, page 6. It is expressly stated in clause 13, that no such adoption or application shall be made unless the ratepayers give their consent; but by section 44 it is expressly the contrary, for it is to be applied, as there expressly stated, without the consent of the ratepayers. The words are "No provisional order so made as lastly hereinbefore mentioned shall require to be consented to by the ratepayers." This is apparently inconsistent with clause 13.

643. Do not you see that clause 44 has reference solely to the application of the Bill under the provisions of clause 41?—So I perceive.

644. Therefore would it not be better to draw a distinction betwen the adoption and application of the Act, with the consent of the ratepayers, or by the local authorities, and the application of the Act by the General Board under the special circumstances mentioned in clause 41?—They should be expressly shown to be distinct, because, as the clauses stand now, that does not appear. Here it seems plainly to say that no applcation shall be without consent.

645. That is, with the exception of the case which is provided for under section 41, and to which section 44, to which you have directed the attention of the Committee, solely applies; do not you perceive the difference between the two?—Not in the practical working; in the 13th section, as it stands here, the definitions and explanations as to "place," would leave extremely conflicting jurisdictions. I apprehend it is intended that the Act may apply to a place where a parish, or township, has been constituted a district, and another has been carved out of it. But I submit that this section would give rise to a great deal of uncertainty and conflict of jurisdiction; which would be very injurious. A necessity may arise unquestionably for some such provision; but it seems to be left by this clause in a vague way, which would be very dangerous. Then, again, in page 11, section 20, I find what, in fact, is almost impracticable, namely, the suggestion to places to alter their respectve boundaries. Those who are familiar with the difficulties attending settling the boundaries of parishes and places will, I think, perceive that this is a section which will involve almost inextricable difficulty. I fancy great difficulty will arise in the application of the rules laid down in section 17, as to the mode of adoption of the Act by parts of parishes, from the fact that there are a large proportion of parishes in the north and west of England, where there are many townships in one parish. Now each of these is, for all practical purposes, except in one or two anomalous cases which have grown up accidentally, a different parish. Each elects its own road surveyor, though the whole union, or sometimes part of the townships, elect the churchwardens. In this system, under the section as it now stands, you have this difficulty, that where there is one township,—for instance, the township of Symington, in the parish of Steeple Ashton, which is only one out of four, and which is separate for all purposes, and has separate churchwardens,—it cannot apply the Act without first getting a meeting of the whole parish, which meeting must say whether they will have anything to do with the Act. That is the practical result of the section as it now stands. The provision in section 20, as to respective boundaries, which is what I was before calling the attention of the Committee to, states that the consent of the ratepayers shall be obtained, and also the manner in which it is to be obtained, namely, at a public meeting for entertaining the question. I submit that, practically speaking, a public meeting is not a place where a question of boundary can be properly discussed or settled. The clause says, that it is to be settled "in the same manner" as consent is given to the adoption of the Act. You will there have contending parties, who are all to be pleased. Now, practically speaking, nothing is so difficult as to decide disputed boundaries between adjoining parishes.

646. Would you make any suggestion as to who might be the proper authority to fix the boundaries?—I should be prepared to do so if the Committee should be disposed to give me an opportunity. This section seems to involve a practical difficulty that will frustrate the end proposed. In section 35 there is another power appointed for the same purpose; for there power is given to alter boundaries by the provisional order, as it expressly states; so that this is in direct opposition to section 20, in that respect. Under section 22 I observe, that where there has been a local body, not in a corporate borough, already existing under

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the old Public Health Act, the constitution and manner of choosing the local Board shall continue as heretofore. Now the fact is, that, from the number of these provisional orders which I have had the opportunity of seeing, I can state that the number of those cases to which this section will apply is very large; and I submit that there is no reason, either upon the principle of this Act or in policy, why, when you are constituting bodies under a new Act, you should retain the number and mode of choosing of old bodies. You will get this difficulty: that, in the different counties, one local Board will have one constitution and mode of choosing, and the adjoining parish will have a different one; which state of things is obviously not consistent with any principle. The *powers* of the old and new Boards will also differ.

647. Mr. *Horsfall.*] Is it not the fact, that the various parishes have appointed a number of members on their Boards, which they considered the best adapted for the particular county?—Unfortunately they have no choice in the matter, because the Board of Health has dictated to them the number that their Boards shall consist of.

648. *Chairman.*] In the present copy of the Bill it is proposed to alter that?—I perceive that in the amended copy of the Bill there is a proposition that a provisional order shall be made; but the position of the local Board, if I understand this Bill rightly is, that they may adopt the Act. The further provision I understand to be, that it is proposed that a Town Council, without a meeting in any of these places, which are under what may be called municipal authority, may appoint committees and adopt the Act.

649. Provided they are the representatives of the ratepayers?—Yes; that is, to exclude select vestries, as I collect. Section 24 is one of the three sections that assert a very important principle, namely, that, on the adoption of the Act, all public local Acts alleged to be "inconsistent with the provision of this Act," shall be at once repealed. I shall take the liberty of submitting to the Committee that this involves the extraordinary anomaly that, upon any local body adopting this Act of Parliament, it follows that they set aside the result of the Legislature of the United Kingdom; for by the adoption of this Act by a public meeting, any general local Act is repealed. There are some extraordinary circumstances that I shall submit to the Committee, in one or two cases which have come to my own knowledge, of the effect of an analogous provision.

650. You are aware that the public local Acts shall be repealed upon the introduction of this Bill, only so far as the provisions of those local Acts are inconsistent with the provisions of this Bill?—The words of the clause are, "Upon the adoption of this Act by any place whatever, all provisions contained in any public local Acts in force within such place, that are inconsistent with the provisions of this Act, shall be repealed." Allow me to give one illustration, which will show how this will work. It will be difficult to say what is consistent. In one town, for instance, there have been three different local Acts, adopted by different parts of it; and property has been bought and sold in the town subject to the charges which these local Acts produce. Now the question arises (it would be a question of construction, and I will not venture to offer an opinion upon it; but it is the very fact that it must always be a question of construction that makes the difficulty so great), in reading the clauses of this Act, whether the various rights which have grown up are still retained.

651. What town is that?—Birmingham; there are Deritend and other different parts of it which I could enumerate.

652. Mr. *Adderley.*] What are the names of these parts?—There is Birmingham proper, Duddeston and Nechells, Deritend, and Bordesley, and there is one other of which I cannot at this moment remember the name. I could give other details of the case. The local Acts were exceedingly different, so much so as to create the most extraordinary confusion, if the Public Health Act had been applied here. There are other places which have also come within my knowledge. There is one case where they have had a provisional order: the town of Llanelly. In that case, about five years ago there were commonable lands of several hundred acres in extent. By a public local Act of Parliament affecting the whole of this large property, trustees were appointed for the purpose of improving it. The land was allotted, part to the lord of the manor in lieu of all his rights, and part to other persons whose properties adjoined it. Estates, at the present time of large amount in value, were created. By a single stroke of the pen of the provisional order which I hold in my hand, the whole of that is annihilated;

annihilated; so that, if parties chose, they might claim their commonable rights over that which is now valuable property.

653. That is provided for in a great measure by the 21st section of the amended Bill. You will see that under the 20th section it is enacted that "All public local Acts and provisions in public local Acts, and all charters, customs, and bye-laws inconsistent with this Act, or the adopted provisions thereof, shall be repealed." Then if you go on to section 21, you will see that "Property of every description held by or in trust for the local authority for the purposes of such powers and privileges, and all powers of levying rates, tolls, and other dues which may be securities for debts contracted for such purposes, shall be transferred to the local Board, but subject to any charges or liabilities affecting the same." All debts and obligations are continued, and the local Board may satisfy all subsequent debts. And there are several subsequent provisions of a like nature. Will not those meet your objection?—That would not meet this case, because this will be the result:—I am not quite sure as to the number of acres, but I will suppose, for the sake of argument, that there were 500 acres altogether: 100 are allotted to the lord of the manor; 200 more to different proprietors in the neighbourhood; and the remainder are held in trust by trustees for the benefit of the inhabitants for various purposes, and under which, many public improvements in the town have been made. Undoubtedly the inhabitants have the old commonable rights brought back again over the whole of the 500 acres, special properties in which had been created by the local Act of Parliament, repealed by this Provisional Order, and which I submit would be repealed by these clauses of this Act.

654. Mr. *Egerton.*] Would not your objection be met by saving the rights of the parties concerned in every case where a private local Act has been obtained?—It would require a very great deal of consideration as to the mode in which this should be done. Some provision of that sort might meet the case. I understand the intention of this clause to be, that instead of there being conflicting local authorities, which there might be if there was a general local Act in force as well as the Public Health Act, the authority shall vest in one local body. As far as public rights have grown up this may be done. There is another very important case, which I may mention. In the town of Great Yarmouth there was, some time ago, a local Act passed, under which a new street was built, called Regent-street; and it was one of the express provisions of this local Act that no houses in that street should be turned into shops. That was considered to give a special character of value to that property. That character was specially guaranteed by Parliament; but then a provisional order came. I can speak from direct knowledge as to all the facts I mention before the Committee. It was represented to the Board how much it would deteriorate the value which this property has under the local Act. But no alteration was made. Perhaps I may add, what I have before suggested in the case of Llanelly, that I am not aware that any technical question has yet arisen; but being perfectly aware that a technical question, involving serious contingencies, may arise, I would take the liberty of suggesting that there should be some clause introduced into the Bill to be applicable to cases gone by. With regard to clause 27 in page 13, it appears to me that there are irreconcileable inconsistencies between that clause and clause 13. I think I can gather what the intention of the clause was, after great consideration of it. But I do not think it would be considered in a court of law that such is the meaning of the words. It seems to me that the intention was to provide for cases where there is any apparent difficulty in the local Act. But the words are as follows: "If any place hereby empowered to adopt this Act is desirous, for the purpose of reconciling the provisions of this Act with any local Act in force within such place, *or for the purpose of making provision for any other matter or thing*, that this Act should be applied to such place by provisional order, instead of being adopted in manner aforesaid, it shall be lawful for a petition," and so forth. Now the effect of this is, that, under any circumstances, clause 13 and the following sections really become nugatory. This clause has the effect, practically speaking, of enabling one-tenth of the inhabitants (which was the great vice of the old Bill), to take the initiative towards introducing the Act into any place. Now I call the attention of the Committee to this clause, because it is clearly opposed to clause 13. I cannot see any other effect to it, in any understanding of the words, "for the purpose of making provision for any other matter or thing."

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655. That is "it shall be lawful for a petition to be presented to the general Board by such place, and thereupon this Act to be applied by provisional order in the manner hereinbefore mentioned." That is, that on receipt of the petition the said Board of Health may send down inspectors to inspect the case, and they shall make a report to the Board on that inspection, on which the Board may send down a provisional order that shall not take effect except by the consent of the ratepayers of the district; is not that the effect of this clause?—Yes; but I am looking to what, judging from the number of facts within my knowledge, I imagine will be the effect of it. The intention of the Legislature in this Bill was, that if it is proposed to adopt this Act, a public meeting shall, as in the case of the Lighting and Watching Act, determine on the adoption, and the further requisitions of the Bill shall then be carried out. But there is to be no public meeting to take the initiative in the proceedings under this section. I would suggest that there should first be a meeting: afterwards details may be practically carried out.

656. What I understand you to object to is this, that by section 22, it is provided for a limited number of parties to petition the General Board of Health, and that shall be the initiative, instead of which you desire that a public meeting should be convened, and that that should be the initiative?—Yes; that, in both cases alike, there should be a public meeting. This measure leaves the initiative in the hands of a small minority, upon the allegation, in a secretly got up petition, that there are sufficient grounds for applying the Act.

657. Lord *Grovesnor.*] Is not it important that the application of the Act should not be too difficult?—I am making it more easy, as far as the inhabitants are concerned. As to clause 29, page 14, I would only make this observation, that here is a limitation of the number of the Board from 9 to 18. On Tuesday I called the attention of the Committee to the circumstance, that, under different Acts, there are already five or six different limitations of numbers to various committees appointed under various Acts, which shows that there is no fixed principle followed in limiting the number. I submit that in each place the circumstances are the best guide. This clause speaks of the majority of ratepayers determining the number; so that it admits that in practice the number ought to be determined from the knowledge of the peculiar circumstances of the case.

658. Your proposition is that the number should be left to be determined by the local body, and not limited by this section?—If you leave out the word "subject" in line 15 and the two following lines, you obtain the object I desire. On page 15, in the eighth part of section 31, there is a matter to which I have often before called attention, namely, the division of the Board into three classes, one of which goes out triennially. Now I submit that this is a principle which does not practically work well. Practically speaking, in a matter like this, where questions arise from day to day, an annual election is much more satisfactory to the inhabitants than this division into three alternating parts. I can speak as to facts here, from cases which I know, with regard to Boards elected in that way. In cases in which there has been a strong feeling on certain measures, if it has been found that the local body was of a certain disposition, however strongly the feeling of the inhabitants was expressed, those who may be said to lead the local authority, relied upon this,—that there would be at least two years before the ratepayers would be able so to change the constitution of the body that any alterations in its course could be insured. Thus the public interests must greatly suffer, as, in fact, they often have done. It is obvious that, as in the case of the City of London, and other places, where the election is annual, the greater part will be re-elected; but there is the opportunity of changing those who have made themselves obnoxious. Then there comes the question of the *application* of the Act. A petition for such application may be sent in by one-tenth of the ratepayers. This is under section 32, page 16;—the former clauses, except 27, having reference to the *adoption* of the Act, which is meant to be voluntary. This clause enacts, that "a petition, praying for the application of this Act, shall be presented to the General Board by or on behalf of the ratepayers of the proposed district;" which petition is to be precisely the same as it was under the old Act, namely, to be subscribed by one-tenth of the ratepayers belonging to the district. Then follows a clause that it shall be verified; but which, I think I shall be able to show the Committee, does not afford any guarantee for the validity of the petition. The

clause

clause provides, "that such subscription shall be verified in such manner as the General Board requires, and the statements contained in any such petition shall be verified in such manner as the General Board requires." Now the result of this is, that the whole thing is in the hands of the General Board.

659. This clause is put in to give the General Board power to make an inquiry into the truth of these petitions, that they may not be imposed upon; is not that a necessary provision?—I perfectly admit that the object is good, but unfortunately in practice it has been found that it cannot be provided against by any enactment of this sort. I am prepared to bring innumerable instances before this Committee, to show what is really the practical effect of the system of proceeding on a petition signed by one-tenth of the ratepayers. And with respect to these cases, I may state that I have the original documents in my possession, and can produce them if necessary. I will mention one case: in the town of Worthing a petition was alleged to be sent up, signed by only 90 persons, while the rate-books showed that there were 920 ratepayers in the town, so that the petition did not come within the Act; but the Board of Health took it upon itself,—showing what General Boards can do,—to say that 90 was more than one-tenth of 920! Still they had the power by Act of Parliament to do so. The superintending Inspector went down to Worthing, and this matter was pointed out to him, but he refused to take any notice of it. A deputation came up and went to the Board of Health; and the latter expressly undertook that it should be inquired into, and that, if the facts were as stated, the application of the Act should not be proceeded with; but the superintending Inspector refused to fulfil this engagement, stating that he had received such instructions from the General Board of Health; and the provisional order was issued. Now as to these facts, I have the documents here, and am perfectly prepared to state the facts in full. I think this case shows how the provision that the petition shall be verified in such manner as the General Board requires, will act.

660. How do you propose to meet the case so that the General Board may have the power of inquiring fairly into the allegations of the petition, without sending down inspectors in the first instance?—I understand the object of this section and of the following section to be this, that there shall be an inquiry made as to certain facts,—as to the allegations set forth in the petition,—instead of the Act being adopted without any inquiry. But the inquiry you now allude to is a preliminary inquiry as to whether the signatures are genuine or not. Now that involves considerations of a most complicated character. I am prepared to bring before this Committee evidence to show that, in some cases which I can name, signatures have been deliberately forged; and I am prepared to bring evidence before the Committee to show that the parties getting up the petitions have in some cases gained signatures by the most gross misrepresentation. Such petitions can be signed over the counter by men who are paid so much by the dozen; and when, as in this case, the ground of listening to the petition is the number of signatures, that becomes the very gist of the petition.

661. How would you provide against such imposition upon the public departments?—If I am desired, I shall be prepared to suggest means by which I would meet the difficulty. At present I am anxious to point out the fact of the want of any possibility of sound action under such a system.

662. The object of this clause is to enable the public department to inquire into the validity of the signatures, as well as the truth of the allegations; how would you meet that requisition?—The course I would adopt is a practical one, which has been adopted on many occasions when meetings of the ratepayers are held. The practical manner in which they hold those meetings is this: one of the collectors and one of the overseers take their stand at each door, and no one comes in but those whose names are in the rate-books. Thus, when they proceed to a vote, the division shows which side has the true majority. And thus I should propose that there shall be a public meeting, in order to determine whether the Act shall be adopted; and that upon that determination the adoption of the Act shall depend; and I would take the determination of a meeting of this sort as the initiative, instead of the signatures to a petition.

663. Did I rightly understand you to propose this, that instead of one-tenth of the ratepayers having power to send a petition to the General Board of Health, it shall act upon a petition which is determined upon and agreed to by a meeting of the majority of the ratepayers?—Precisely. I would suggest, that a meeting of this sort should be initiative to these proceedings. The next section I omit

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I omit for the present entirely; section 34 is the next that I would observe upon. I do not perceive that this is altered at all, certainly not materially in the amended Bill, from what had been submitted to the Committee. I find in page 17, lines eight and following, that "as soon as possible after the completion of such inquiry he" (that is, the inspector) "shall report in writing to the General Board, in such manner as they may direct, upon the several matters with respect to which he has been directed to inquire as aforesaid; and the General Board may, if they think fit, publish such report." Now this is extremely important. In the Act of 1848, which is now in force, it is enacted, that copies of every such report shall be sent down to the place; and means and opportunity shall be given to the inhabitants to know its contents, and to send up memorials or protests against it, or any part of it; *but in this Bill there are no such provisions.* It is clearly essential that if the inhabitants are to be affected by what arises from the inquiry, and there is to be a report upon it, they should have the means of knowing what the result of the inquiry is, and what the report is. But, under this Bill, they have no such opportunity whatever. It is important to call the attention of the Committee to the fact that provisions for this exist in the Public Health Act as it now stands. Yet it has been found that, notwithstanding these provisions, the intention of them has been evaded to a most extraordinary degree. I know many cases of this which I could mention to the Committee.

664. *Chairman.*] It shall be provided in the Bill that the report shall be published. What is the next suggestion that you wish to make to the Committee?—The provision in the Act of 1848, but omitted here, is, that there shall be not less than a month between the publication of the report and the making of the provisional order; during which time any memorial and statements may be sent up from the place; copies of all which latter are also to be deposited with certain public officers in the place, for the inspection of any person wishing it. But in fact it has been found that even this provision has not been attended to; so that, unless there shall be some guarantee that the provision shall be attended to, and that the inhabitants shall have full notice of the Board sitting upon their case, there will not be sufficient provision made for the satisfactory carrying out of the Act. Every provision of the sort is wanting in this Bill.

665. Is not your suggestion this; that the report shall be published within the time specified, and that time shall be allowed for the consideration of that report before the public meeting is convened for the purpose of considering the question?—Yes. I would suggest, that it should be made a condition that no such public meeting shall be valid, unless the report has been received, and full time has been given for the consideration of it before the meeting is held. The next clause is entirely new. It provides that the General Board shall, "upon the receipt of such report, or if they think fit, *without causing any inquiry to be made,*" make a provisional order. I cannot at all understand what is the reason of this provision for acting without causing inquiry to be made. I have looked at the clause in the amended Bill, and find it is the same there. In the clause there are provisions made for applying this Act, with power to alter the boundaries; which is inconsistent with section 20, to which I have before called the attention of the Committee. The last clause of this section 35 also seems to be exceedingly objectionable; upon which the observations I have already made will be applicable. It enables the Board of Health "to consolidate and extend, and to provide for the future execution of public local Acts; that may, upon the institution of any such inquiry, be found to be already in force;" and the Board of Health can "vary or repeal any enactments therein contained;" so that an irresponsible body can override the whole power of Parliament.

666. That power only to be exercised after inquiry, and under the sanction of Parliament in a provisional order; is it not thus made subject to the control and sanction of Parliament?—With all respect, I submit that this sanction of Parliament is a mere form; and there is the most complete proof of it. Under the Preliminary Inquiries Act,—that is, where it was required that certain preliminary inquiry should be made before local Acts should be applied for,—Parliament, in every case without exception, itself went into the whole question afresh before a Select Committee. A Committee of the House of Commons, of which Mr. Wilson Patten was Chairman, reported so strongly against the system of such preliminary inquiries, that the Act requiring them, which is nearly analogous to the present Bill in that respect, was repealed. But here, in addition to the

the pretended inquiry, you have a Provisional Order, made by the Board of Health, which overrides the power of Parliament. They make a decree; and no Committee of the House of Commons meets, and the House never does go at all into the case. I am sure that practical men in the House of Commons and out of it, know perfectly well that Confirming Acts are but a *mere form.*

667. *Chairman.*] Are you not aware that places have been struck out of this Act at the instance of Members representing the locality, and that only those places have been passed to which there was no objection?—That confirms what I was saying, because it shows that Parliament knows so little of what they are doing.

668. Mr. *Irton.*] In such a case as that, would not the locality instruct the local Member to get the place struck out?—Yes; but I submit that in that case it is not struck out after proof offered before a Committee of the House of Commons. I know of cases which I am sure the Committee will allow me to mention, which would have been cases of great hardship if it had not been for the House of Lords. In the House of Lords there have been some Committees. These Committees have reported; and they have amended several Public Health Board Confirmation Acts, after these had passed the House of Commons. The House of Lords have thought it fit to refer them to Select Committees, and several places have been struck out. I have been myself interested in getting them struck out. I would refer to the case of Hertford the year before last: it was struck out in the House of Lords. The Bill passed the House of Commons; but the House of Lords referred it to a Select Committee, and the Select Committee struck Hertford out.

669. *Chairman.*] Was that a case of a place being inserted in a provisional order emanating from the Board of Health; or was there a local Board for the district?—It was inserted in a provisional order. That is only one of a number of cases which occur to me at present. I have adverted to it because I was counsel for the inhabitants of Hertford. The town was omitted several times; but at last the Board of Health were vehement in their desire to have it inserted. But it was referred to a Select Committee of the Lords, and struck out by it. It must, however, be obvious to the committee that this course can only be taken where there is the power to incur the necessary expense of opposing such an order. In many of these places they are so small that this cannot be done. I could mention more cases. There was the town of Dover, and many others, in which they opposed the Provisional Order with all the means in their power; but they could not succeed in getting before a Committee. In section 36, page 17, the inspectors, "upon the completion of such provisional order,"—which, it is to be observed, can be made without any inquiry, if the Board think fit,—shall "proceed to the proposed district to which such order relates, *for the purpose of obtaining the consent thereto* of the ratepayers of such district." I believe the Chairman has already stated that the Report shall be published. That will relieve me of one observation I was about to offer. It is a very important practical question indeed. But it is further enacted, by section 38, that the Inspector shall himself be the chairman of the meeting, to which the provisional order shall be referred. The inspector holds the meeting at which the inquiry is made; but that is a very different thing indeed from a meeting for *discussion* on matters so nearly affecting a place in which he is a perfect stranger. Yet, in the latter case, the Bill says that he shall be the summoning officer, and shall preside, and regulate the proceedings of the meeting. I will call your attention to another point. I think it will be obvious, from what I have suggested, that section 39 will require some alteration. It is, that "the General Board may, with the consent of the ratepayers of the proposed district, such consent to be obtained *in the same manner* as is hereinbefore directed with respect to obtaining their consent to any provisional order, alter or modify any provisional order." This of course involves, again, the whole question of the petition of one-tenth of the inhabitants, and so on.

670. Are you not aware, that as regards the one-tenth, that is only required for taking the initiative; but that as regards the provisional order, that is sent down for the inspection of the inhabitants, and has to be qualified or altered with the consent of the majority of the ratepayers of the district?—I submit that this does not at all appear here. It is very important. But, as matters stand at present, there is no provision that the Provisional Order shall be sent down previously to the meeting which is to consider it, so that the inhabitants may be able

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able to know what they have met to discuss. There is no provision whatever that those who object to the operation of the Act can have any means of knowledge of the contents of the Provisional Order. The Board of Health are bound to lay it before Parliament. The want of a previous knowledge of the Provisional Order was felt under the old Act; and I think it will be admitted that it is as necessary now as it was before.

671. Under what section would you insert this proviso?—It should come after section 34; it should come in as the 35th section.

672. Lord *R. Grosvenor.*] Do you propose to insert a clause to that effect?—The Chairman has stated that he assents to a publication of the Inquiry. I also suggest that there shall be a requirement to publish every subsequent Act of the Board of Health relation to each place where it is proposed to apply the Act.

Veneris, 16° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Irton.
Mr. MacGregor.	Mr. Knight.
Mr. Wilkinson.	Mr. Greene.
Mr. Adderley.	Lord Robert Grosvenor.
Mr. Egerton.	Mr. Horsfall.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Toulmin Smith, Esq., called in; and further Examined.

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673. *Chairman.*] HAVE you any observations to make with reference to rates, which may be applicable to any of the clauses which we considered partially yesterday?—In reference to the operation of clauses 24 and 35 and 43 on local Acts, this Bill would materially affect the rates which are levied under such local Acts. I have here a careful statement illustrating this point, which will not occupy much time, if the Committee will allow me to read it.

674. What is it taken from?—It is not an official document.

675. Is it part of a printed paper?—It is part of a printed paper that was circulated in Birmingham at the time the Act was proposed to be introduced there.

676. When was it circulated?—About five years ago; in 1850. I merely produce it now in consequence of a question put to me yesterday by an Honourable Member of the Committee.

677. The paper that you desire to quote now is part of a paper which was circulated in 1850 in the town of Birmingham, when it was proposed there to introduce the Public Health Act of 1848?—Exactly so. I am anxious to be understood. I only quote it now in reference to the facts as to rates, not at all with reference to the whole paper as going into the general question; but I think it will save the time of the Committee if I read this as it is here condensed, instead of stating the facts generally myself. "There are four separate local districts in the borough of Birmingham, namely, Birmingham Proper, Duddeston and Nechells, Deritend and Bordesley, and Edgbaston. Birmingham Proper, Duddeston and Nechells, and Deritend and Bordesley, has each its separate local Act; Edgbaston has none. By this provisional order the local Acts of Duddeston and Nechells, and of Deritend and Bordesley, are repealed. Consequently all existing exemptions to present rates and charges under either, will cease within those districts. The rating clauses of the local Act of Birmingham Proper remain unrepealed. Consequently, Birmingham Proper retains the benefit of all exemptions to present rates and charges under that Act within its own district. But these exemptions can apply nowhere else in the borough (section 85), the mode of rating by virtue of the Public Health Act being expressly prescribed by

by that Act (section 88). But the present charges under *each* of these three local Acts are thrown on the *whole* district (clause 6). The practical effect of all this will be as follows:—Birmingham Proper throws off a part of its present burthens on to Deritend and Bordesley, Duddeston and Nechells, and Edgbaston. Birmingham Proper retains the exemptions under the old local Act, for the proportion which remains to it to pay towards the several purposes (and whether debt or current contingency) under that Act. It will also enjoy the same exemptions, in respect of so much of the new rates levied under the Public Health Act, as shall be for the 'same purposes' as the old Act empowered (such as draining, paving, &c.). For so much of the new rates as are *not* for the 'same purposes,' (to distinguish which will therefore require the amounts of the assessment on each individual to be fractionised and apportioned on each and every rate made) those exemptions cannot be claimed; nor can such, or any, exemptions be claimed for any part of the charges thrown on to it from Deritend and Bordesley, and Duddeston and Nechells, whether or not any part of them accrued for the 'same purposes,' or were accompanied, under the local Acts which empowered them, by any exemptions. Deritend and Bordesley in the same way throws off a part of its present burthens on to all the other parts of the borough. But, in doing this, its own exemptions cease for all that remains to it as its proportion of those burthens. On the other hand, it will be entitled to the old exemptions for so much of the new rates levied under the Public Health Act as are for the 'same purposes' as were to be effected under the old local Act: it will not be entitled to any exemptions for so much of the new rates as are not for the 'same purposes.' The same fractionising and apportioning in each individual case will therefore be necessary here as above; and it will not be entitled to the same or any exemptions for any part of the new burthen thrown on it by Birmingham Proper, or Duddeston and Nechells, whether or not any part of this be for the same purposes, or bore any original exemptions." The general facts are further stated at so great a length, individualising them in such a manner, and it is so much a matter of detail, that it would be tedious to read the whole. But the illustration of the point is complete.

678. It is unnecessary to state the case of Birmingham any further; but will you state generally how the case would stand?—I will.

679. Mr. *Adderley.*] This was quoted as an illustration of the general propositions which you laid down as to the clauses repealing local Acts, and the effects of which, in your previous examination, you illustrated by two cases?—On my former examination I was asked what the places were, and I gave the names. I am anxious now to give the more exact particulars.

680. Is this an illustration of the general proposition as to the effect of the clauses of the Bill on previous Acts?—Yes. The general facts are as follows. This is a case in which it was proposed to combine four distinct places, three of which had separate local Acts, under which there were different modes of rating. These places, which are adjoining to one another, but were then still separate for a vast number of purposes, have grown up since into one town. There is one large place within the district where they had no local Act at all, and which had only the general Highway and Municipal Acts. The mode of rating under the Public Health Act differs from, and repeals, all the local Acts relating to three of the places; and property which was held under the rights and rates of the local Acts would be of course affected in value, on account of the incidents, which in the particular cases appear to differ very remarkably. That is the substance, as shortly as I can possibly put it, of the injustice that would have been effected by the application of the Public Health Act to Birmingham. If it is the pleasure of the Committee I shall be happy to hand that document in.

681. *Chairman.*] Is not there a provision of this kind made in the Municipal Corporation Act, that there shall be a similarity of rating?—Yes, for its own specific purposes; but that does not apply in this case. The Municipal Corporation Act had been in force in Birmingham a long time before this proposition was made. This point, as to the effect on local Acts and Rating, was one of the strongest grounds advanced why the Public Health Act should not be applied to the town of Birmingham.

682. Inasmuch as there is no provision in the Bill for compulsorily applying the Act, can anything of the kind which you suggested take place without the consent of the local authorities who represent the district, or the ratepayers who give

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give their assent to or dissent from the proposal for the adoption of the Act?—My remarks have reference to all the three clauses which enact, that, on the adoption of the Act, all local Acts shall cease; and you will see that the General Board of Health, in their provisional orders, most commonly declare that local Acts shall be repealed; and they have power compulsorily to enforce those orders.

683. But are you not aware that the adoption and application of the Act cannot take place without the consent of either such elected body, or the ratepayers themselves; and that the provisional order cannot apply unless it receives the consent of the ratepayers, or the local authority which has been elected by them?—In the case which I have quoted, the proposition was that these four districts should be connected; so that that shows the real working of the system. For many purposes it may be desirable to combine different districts in one town; and it was desired in this case to combine them; but that combination should not have it to follow, as an incident to it, that all the local Acts in force in the town should be repealed,—which would be the case under this Act as it now stands.

684. How do you propose to carry out what you suggest?—I have not yet offered any suggestion to the Committee. What I have submitted to the Committee is for the purpose of showing what will be the effect of these clauses as to local Acts, as they now stand. Proceeding to the 41st section, which gives power to the Board of Health to apply the Act, *without any consent by the ratepayers*, wherever the proportion of deaths in a place are 23 in the 1,000,—I wish to lay before the Committee some important facts.

684*. *Chairman.*] It is intended to strike that clause, and those connected with it, out of this Bill. If it appears at all, it will be in a Bill which may perhaps be introduced for the prevention of diseases?—I am very desirous to bring before the Committee the facts, which I have prepared in a short compass, bearing upon this clause, should this clause, or anything like it, be proposed to be passed into a law, in this or any other Bill.

685. You shall have the opportunity of giving that evidence, if such a clause is introduced, in any shape, either in this or any other Bill?—That being so, I am of course perfectly satisfied.

685*. Will you proceed to the 44th section?—The Committee having informed me that the 41st, 42d, 43d, and 44th sections have been struck out, the plan I desire to follow, in order to save the time of the Committee, is, instead of taking the separate clauses, to take those together which refer to the same subject. I shall beg to call the attention of the Committee to what are included in reference to a matter of the utmost importance, namely, the general application of the Act. I have reserved the observations which would naturally arise under what may be called corresponding sets of clauses, in order to take them now together. I have shown that there are corresponding sets of clauses as to local Acts. There are also corresponding sets of clauses as to the *making of the Inquiry, the Report upon that inquiry, the Provisional Order, and the Confirmation by Parliament. I am exceedingly anxious to ask the attention of the Committee to some points arising upon these clauses.* I group them together, and I purposely do not go into them separately. I may refer to sections 33, 34, 35 and 40. I think that these will include the whole. They include the points as to obtaining the petition in the first place, the inquiry and the report in the second place, and the provisional order, and obtaining the consent of Parliament in the third place. *Those are the points to which I am anxious to call the attention of the Committee. These are the main practical points in the application of the Bill*, viz., the *report to be made*, the *provisional order*, and the *mode of confirmation by Parliament*; and if you will allow me to take it under the head of confirmation by Parliament, I think that I can save time. The point that was considered in the Committee of the House of Commons in 1850, one of the most valuable Committees that ever sat, upon the Preliminary Inquiries Act, is identical with the present question; the point being this:—whether the House of Commons shall be bound by inquiries made by another tribunal out of the House; or whether, in reference to Bills, it shall go into the case before it, and form its own decision. I submit to the Committee that Bills, whatever they are, whether of a public or a private nature, should come before the House of Commons, either as a matter of broad principle upon general facts, or else upon local facts. If they do not come before it either upon general or local facts within the knowledge of the

House

House of Commons, the proceeding is obviously but a mere form, and is not consistent with the dignity of, and respect due from the public to, the House of Commons. The point involved here, in the whole case, is the point that was involved in the Preliminary Inquiries Act. The report made by Mr. Wilson Patten in 1850, shows the proposition which was contended for by the proposers of that Act, and the result which the Committee, appointed to inquire into the working of that Act, arrived at.

686. *Chairman.*]—Will you give us the suggestions that you desire to make about the separate clauses of this Bill?—I submit that these sections being sections which involve so-called inquiry, although yesterday it was admitted that some of the points which were in the Public Health Act, 1848, and which have been omitted in this Bill, should be *restored*; yet, *even if they are restored, it leaves us as the case now stands under the present Public Health Act. But that is precisely the state of things which has caused so much dissatisfaction with the Public Health Act. Yet you would leave the public and Parliament itself just as they were before.*

687. I must again call your attention to that which the Committee desire; they desire to have evidence with reference to this Bill; if you will give your evidence with reference to the provisions of the Bill, we shall be most happy to hear it?—*These provisions of the Bill are directed to the very purpose I am speaking of, namely, to inquiry and confirmation.*

688. Will you state what suggestions you have to make with reference to clause 32?—*I am prepared to submit to the Committee facts which show how the clauses in the old Act, corresponding to clauses* 32, 33, 34, 35 *and* 40, *in this Bill, have worked.* The facts which I am desirous to submit to the Committee have been stated to Parliament, having appeared in documents which have been presented to Parliament at various times; but without some explanation they will be unintelligible.

689. All we can do, you appearing as a witness before this Committee, and being desirous to tender evidence, is to call your attention to the clauses of the Bill, and to go through the clauses of the Bill one by one, and if you desire to do it, I am prepared on behalf of the Committee to do so; and to ask you what objections you propose to raise to clause 31, and so on?—Of course I will not dwell upon these points after the intimation I have just received from the Committee; but I must, with all respect to the Committee, state that it *is impossible to illustrate these sections without appealing to facts.* I am anxious not to trespass upon the time of the Committee, and I will put the matter shortly.

690. Mr. *Egerton.*] Can you give us any practical suggestions as to the working of this clause. Have you any objection, for instance, to the form of the petition?—Most decidedly.

691. What are your objections?—As to clause 32, I submit that it is proved uniformly in practice, that this is not a mode of obtaining the real expression of opinion of the inhabitants of the place proposed to be affected by the provisions of the Bill. Facts show that those petitions are got up in different places really without the slightest reference to the wishes of the inhabitants.

692. Can you illustrate that in any way by facts within your own knowledge?—I will state one or two cases. I have already stated the case of Birmingham. The petition was there got up under pretences which were put forward for a totally different object. The pretences put forward were, that gas and water companies would come under the town council,—there being no provision in the Public Health Act which would really cause them to do so.

693. Mr. *Adderley.*] Would your objection be met by requiring the signature of a larger proportion of the ratepayers?—No. I think no larger proportion of the ratepayers signing the petition would at any time attain the object. It is only to be attained by giving an opportunity to the public of understanding what is the object of the measure.

694. *Chairman.*] You desire that the initiative should proceed from a public meeting, rather than from one-tenth of the ratepayers?—Unquestionably.

695. Mr. *Horsfall.*] Do you think that as many as one-tenth of the ratepayers would attend the public meetings at Birmingham?—Unquestionably. They often do. A larger proportion has, many times, attended in the Town Hall.

696. *Chairman.*] Would you go further, and say that, if a public meeting is convened in a proper manner, even supposing there should not be present one-

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tenth of the ratepayers, the majority of that meeting might apply to the General Board. Is that your meaning?—After thorough notice of the object of the meeting, and after proper precautions being taken that no misunderstanding should arise, I should say so, unquestionably. I submit that the means of inquiry appointed under this Bill, which are the same as those under the Public Health Act, 1848, are not calculated to elicit the truth.

697. Why are they not?—The officer who is sent down, the superintending inspector, is an officer of the Board. He naturally acts on *ex parte* instructions. These may differ at different times; but in these instructions which have been given to the superintending inspector (printed in the Report to Parliament in 1849), it is expressly stated that he is the "agent for carrying the Act into effect;" and he is expressly instructed to remind the ratepayers, in case of an adjourned meeting, of "the expenses incurred by delay."

698. Are not you reading from the instructions which were issued by the late General Board of Health?—Undoubtedly.

699. Have you read the instructions which have been issued by the present Board of Health, and which appeared in every newspaper which contained a report of the statement made by me in the House, on the 23d of January last?—I read the statement at the time it came out.

700. Are they not totally different from the instructions of the late Board?—Precisely; but I may be pardoned for saying that this very fact shows that the mode is objectionable. The instructions I have referred to were issued with the respectable names of Lord Carlisle and Lord Ashley appended to them.

701. Are not the printed instructions given at present wholly different from the instructions issued by the old Board?—They may be different; but fresh ones may be issued next week which may differ again: that is my objection to the system.

702. Having read the instructions that were issued by the present General Board of Health, do you see anything objectionable in those instructions?—At this moment I can hardly say: they struck me, as many other things have done, as a vast improvement upon the old system: that is unquestionable. But, the present Board acts under the same powers as the old Board acted under; and therefore it is plain that these are powers which may be used either in one direction or the other. I admit that in this, as in many other cases, there is a great difference between the present and the former state of things; but still the power remains the same. It is the existence of such powers that is inconsistent with the public welfare.

703. Do you think, supposing that a set of instructions could be drawn up, setting forth the duties of the superintending inspectors when they go down to different localities to visit, that it would be desirable that those instructions should be embodied in the shape of a clause setting forth the duties of the superintending inspectors?—Rather as a schedule to the Act; perhaps some method of that sort might be adopted. As to the nature of the inquiries themselves, I may state that it has been found (and I have here the facts, which I should be happy to submit to the consideration of the Committee) that those inquiries are only calculated to mislead the General Board of Health itself; and therefore they cannot be calculated to produce good results.

704. Mr. *Greene*.] What would you suggest instead of those inquiries?—If I am asked, on the spur of the moment, to propound any scheme (though it is a very difficult thing to do so), I would simply put it thus: that whatever inquiry is made should be made in a constitutional method; that the inquiry should be made in open court; that the opportunity should be given of cross-examination of all persons; and that a report should be prepared, not by one *ex parte* person, but as the general result of the inquiry, in the same way as a report is drawn up by a committee of a town council.

705. *Chairman*.] Are you not aware that under the present instruction the superintending inspector is bound to convene a meeting, and to hear everybody at the meeting who desires to be heard?—Under the instructions which exist at the present moment, he may be bound to hear every person; but he makes his own report.

706. Who, in your opinion, should make the report?—I should take up too much of the time of the Committee if I were to illustrate the matter fully. The superintending inspector is, however, the officer of the Board of Health; and it is plain that he cannot possibly make any other than an *ex parte* report.

707. Do

707. Do you object to the superintending inspector of the Board going down and hearing the inquiry, and being the only person to make that report to the General Board upon that inquiry?—Precisely. I do not at all object to any individual being sent down from any public department to be present at any inquiry; but I object to that individual making an *ex parte* report, as the result of that inquiry.

708. You say that you do not object to a person being sent down from a public department to hear the inquiry. Who, then, can be the person to make the inquiry, except the person so sent down?—It has always been the case heretofore, until very modern times, that, where there was any local body specially summoned to make an inquiry before any person sent down, the inquiry has been made in the presence of that person, but not by him. "*Coram*," not "*Per*," is the word used in all the Latin forms. The inquiry took place in the presence of some one who was simply responsible to see that the proceedings were correct. I submit that it would not be difficult to frame a suggestion to meet that practical principle. If the Committee wish it, I should be happy to do so.

709. Mr. *Adderley.*] What Act are you referring to?—I am referring to the common law. In one report which I have here, it is said that, in individual statements made to the inspector reporting, a number of facts were set forth. The truth of this is, however, in other formal documents which I have here, expressly contradicted by the very persons whose names are alluded to; so that the Board of Health itself is as much the victim of the system as the individuals affected by it. With respect to the Provisional Order, I think I understood it to be assented to that the provisional order itself shall be sent down after it has been made. If this is carried out in good faith, and sufficient time given for the consideration of it, it obviates the necessity of dwelling further upon that section. With respect to the Confirmation by Parliament, I understand that I am precluded from making any observations upon that; otherwise I am prepared to show that the action of that system clearly is, that Parliament knows nothing of the matter, but is made to act merely as the recorder of the opinions of others.

710. *Chairman.*] The same course is taken here as is taken in the case of the Inclosure Commissioners?—I believe it is the same; but the cases are quite different. In the case of Birmingham, for instance, it was sought, three separate times over, to have the town included; and it was included in more than one Bill notwithstanding all the opposition, and in a mode which would show that the system never can be safe.

711. Was it not struck out of the Bill by Parliament?—It was struck out; but it was attempted to be inserted again by the Board of Health.

712. Was it not struck out again and again by Parliament?—It was struck out again.

713. Does not that show the anxious supervision of Parliament with reference to provisional orders?—It shows that there was care upon the part of some one; but I have in my hand the returns of the General Board of Health, which show that the General Board of Health deliberately misrepresented to Parliament the state of the facts.

714. You desire to call the attention of the Committee to certain proceedings of the late General Board of Health in inserting towns in Provisional Orders Bills?—I would rather not put my statement in a form which shall assume an aspect of that kind. I wish to call attention to the words in the section as it here stands; and, as the old system is thus proposed to be renewed, I think that Parliament ought to have the facts before it upon which alone legislation can safely be founded.

715. Mr. *Adderley.*] Would your objection be met by the publication of the Report, as you suggested yesterday?—That unquestionably would in some measure effect the object; but it is obvious that Members of Parliament do not read these Reports.

716. Mr. *Horsfall.*] Are you not aware that under the operation of the late Act, when it was attempted to introduce the Bill into any localities, the Members for those localities having objected, the Provisional Orders Bill was inoperative?—There were a few cases in which that took place.

717. So that under the old system there were means of redress for the locality?—There were, nominally, but certainly not practically.

718. *Chairman.*] Can you point out any case in the last two years under the late Board, where a place which has been inserted in the Provisional Orders Bill contrary

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contrary to the wishes of the representative of the district has been continued in the Provisional Orders Bill?—At this moment I cannot speak to that. I was prepared to state, in detail, a vast number of cases, but I entirely defer to the wishes of the Committee. I state these points, because essentially the same provisions are proposed to be introduced into the new Bill as exist in the Act of 1848. It would appear, to the superficial reader of the Act, that there is a protection to the public; but I submit that the facts show that there will be no protection. I am prepared to show that the fact is, that there is no protection to the public, and that unless some further provisions are introduced into the Bill, there will not be any protection.

719. Mr. *Greene.*] If you can suggest any provision that would give a greater protection to the inhabitants of the locality, will you do so?—I shall perhaps save time, if I reserve that till I come to another point in the Bill, as to the local Act system.

720. *Chairman.*] Will you proceed with the clauses?—Clause 75 is the next to which I shall ask the attention of the Committee. That clause provides that local Boards shall have the power, upon making due compensation, to do a number of things therein mentioned, among which is to purchase land, and make reservoirs, either within or without their district. I submit, without further detaining the Committee, that this is an exceedingly dangerous provision. It enables one district to carry into another district nuisances of a very dangerous character. I think I distinctly understood the Chairman to state yesterday, that clause 91, as to houses built or rebuilt, is proposed to be struck out; therefore it is unnecessary to detain the Committee upon that. Section 100 relates to the supply of water. The only point which I will now refer to as being important there is, that the local Board appear by the 3rd clause on page 39 to be empowered to construct any number of wells, pumps, or other waterworks. This is included in the powers.

721. Clause 3, of section 100, is altered so far as to apply only to the supply of the public as regards sinking wells, and doing other works in the district; does that meet your objection?—I would desire to call the attention of the Committee to the fact that there is a great vagueness in the whole of that clause. The section would seem to imply, by several of the clauses, that the local Board is to have those powers. The most material clause is perhaps the 10th, which says, that, if water companies will contract "upon reasonable terms,"—those are the words used,—the local Board shall do so and so; which, I submit, is so exceedingly vague, that, practically speaking, it leaves all the water companies throughout England at the mercy of the local Boards.

722. Is it not provided by the next clause of that section that the reasonableness of the terms shall be settled by arbitration?—Yes; but all those water companies are established under Acts of Parliament, which certainly give them a sort of guarantee; and this throws aside that guarantee, and, instead of that guarantee, it provides an enforced arbitration. I submit to the Committee that the provisions in the Water Bills Clauses Act already give sufficient power to local bodies; and this clause either does give additional powers to interfere with the guarantee given by Parliament to the safe exercise of the enterprise of the companies, or it is unnecessary.

723. Your objection is now under consideration of the water companies, and I have no doubt that some clauses will be drawn that are satisfactory to the water companies; would that meet your view?—Without reference to that point, (as I am entirely unconnected with any water companies, and therefore speak only on public grounds), I would ask attention to the fact that power is given, in reference to such works, to purchase any land, or streams, or easements.

724. That is also to be considered?—There is the same sort of power with reference to lighting powers on page 43. I do not know whether those are being considered also.

725. They are also under consideration?—With reference to slaughter-houses, markets, and fairs,—which cases do not seem immediately connected with public health,—power is given to purchase lands, and construct works.

726. Has not the supply of water a reference to public health?—Yes, I expressly so stated; but it is not so with gas and lighting, nor with markets and fairs; these do not come consistently within the cognisance of the local Board of Health.

727. Had not the local Board power under the Act of 1848 to enter into arrangements

ments with existing companies for the supply of gas to the town?—No: this power was only introduced in an Act for confirming Provisional Orders in 1849. But this Bill, as it stands at present, empowers local Boards to make works.

728. Do you wish it to be understood that you do not object to the provisions of the Act of 1848, with reference to lighting and arrangements to be made with the gas companies, but that you do object to the power given to local Boards under this Bill to construct works?—Exactly.

729. Two propositions have been suggested to me; one is, that where there are no gasworks in existence, the local Board shall, if they think fit, have the power of erecting those works for the benefit of the inhabitants; to that I have not heard any objection. But that which is objected to by the gas companies is this, that where a gas company has the power of making charges there shall be a power of diminishing those charges, if they should be unreasonable, by arbitration; or that in case they cannot come to any terms, the local Board shall have the power of erecting works for themselves. That is the objection, so far as I understand, on the part of the existing gas companies?—I am not in communication with any gas companies, therefore I do not know what their objections are; but my objection is this: facts would prove (but I will not detain the Committee with evidence upon that point, because it is proved by uniform experience) that, when municipal bodies become manufacturers and dealers themselves, it is always more costly to the public than when there is the openness to competition of independent enterprise. I venture to submit, that, as a specific proof of objection to these clauses, cases might be cited,—for example, that of Manchester and other towns,—where this has been the result. I submit that it is obvious that the dealer, dependent on his own enterprise, will have the greatest interest in the immediate result, and therefore will be the person most likely to perform the duty well. The practical result shows the fact to be so. Perhaps not more than one-fourth of the inhabitants of Manchester take gas, and they pay 5*s.* per thousand cubic feet, when they might get gas for 4*s.*; they paying this extra price, in order to give a fictitious cheapness to the water supply. That is not an arrangement that is satisfactory. With respect to clauses 108 and 109, I believe it is admitted that those are some of the most important clauses of the Bill. I may call them the quarter sessions clauses.

730. Will you state your objections generally to those clauses?—My objection is, that the court of quarter sessions does not seem in any way a competent tribunal to determine such questions. If you will permit me, I will state the reasons. They are shortly these:—the points which have to be decided are not questions of technical or legal fact, but they are invariably questions of *policy*; and I think that the tribunal of Committees of the House of Commons is the most peculiarly adapted to consider such questions, for this reason: that they are entirely separated, and by the Standing Orders of the House of Commons they are obliged to be entirely separated, from any local interest. Here you would expressly refer the matter to a body which is in every way locally interested in the question. The court of quarter sessions is a body appointed for the determination of legal questions. These, however, are not questions of legal fact or legal right, but precisely the reverse. The existence of a legal right,—which would prevent the proposed work,—being admitted, it is a question of policy whether or not this legal right shall bend to public policy. At the same time, I may be allowed to add, that I entirely admit the objections to the present system of local Act legislation, as on many accounts both inconvenient and costly. I do not wish therefore to be understood as stating that the present system is perfect.

731. When you object to the present system as being costly, you mean from parties being compelled to appear before Committees of the House of Commons?—The whole system is very expensive; the worst part of it is with regard to Parliamentary fees.

732. You are aware that under the Metropolitan Water Company's Act of 1852, the Board of Trade have power to send down a person to examine into the sources of supply and other matters; and so with reference to other objects for the general benefit. Do you think that if any competent person was sent down by the Board of Trade to inquire into what may be called the policy of the question, that course would be preferable to referring the matter to the court of quarter sessions?—I would wish to answer that question rather more at length than by giving a simple Aye or No. I would say that the details should be entirely determined on the spot, and that the question of policy simply should be

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be referred to the Committee. As matters stand at present, Committees are in the habit of going into all the minute details of the schemes submitted to them, though these really do not affect the question of policy.

733. Mr. *Egerton.*] Was not that which you now suggest intended to be done under the Preliminary Inquiries Act, which has failed?—I have elsewhere recommended how to divide the two subjects of detail and policy. I am anxious that this point should be thoroughly understood, as it is generally considered to be an extremely important one. I have already submitted a short statement of this proposition to Her Majesty's Government. The ancient practice was, that the inhabitants of every neighbourhood should take care of their own interests; and, having themselves considered and settled the details of practical action, these were included under the form of a charter. May I be allowed to read a short extract from the statement which I submitted to Sir William Molesworth on this subject; the whole is perhaps too long for me to trouble the Committee with.

734. Will you read that part which you desire to be entered on the Minutes?—It is as follows: "The ground of the appeal to Parliament in such cases is, simply, that it is the business of Parliament to see that the common right and general liberty are not infringed by any local arrangements. Parliament can never properly discuss and settle matters which involve a minute knowledge of local arrangements. The true remedy lies in requiring that every local measure shall, on its proposition, be first thoroughly published in the place to which it refers; and, after having been thus published for a certain time, shall be discussed, on the spot, by a body expressly chosen by the inhabitants for the purpose, with full opportunity for any objections to be heard and enforced; after passing through which ordeal only shall Parliament permit the measure to be brought up for its sanction, which sanction shall have reference, not to local details, but to any points of common right and general liberty which may seem to be touched."

735. Mr. *Greene.*] Is it not the case at the present moment, that no Private Bill comes before Parliament without its having been duly advertised in the public papers, and notice of it having been given in almost every possible way?—Notice is given as to the fact that such a measure is to be introduced; but the details are, practically speaking, never known. The House of Lords, by one of their practical rules, requires that there shall have been a public meeting. That unquestionably comes the nearest of anything, that I am aware of, to what I desire; it recognises the principle.

736. Before a measure passes into an Act of Parliament, have not parties in the country had a full opportunity of discussing the measure in detail?—Only, in general, by means of the notice which appears in the papers; which gives very little idea of the details of the scheme.

737. Would not the public meeting required by the House of Lords give the best means of information?—The public meeting is a desirable thing; but I would, with all deference, submit, that it is never possible to discuss the details of a Bill in a public meeting.

738. What plan would you suggest to remedy this defect?—That it should be submitted to the town council, or, still better, as before suggested, to a body specially chosen in the place for the purpose. In either case, the body must be recognised as competent to discuss the details.

739. Is it not perfectly competent to parties in the country to obtain complete knowledge of what is going to be done, and to call a meeting to discuss the measure before it comes to Parliament, and, if necessary, to petition against it?—Where there are adverse interests that is frequently done. The great ground of objection is, the costs to be incurred. The proposition which I submit involves this principle,—that there should be representative bodies specially appointed to consider the details of the schemes, which bodies should have a separate recognised existence for that purpose.

740. *Chairman.*] Is not the local Board such a body?—Undoubtedly; but that is not the proposition put forward in this Bill. The proposition made here is, to submit the matter to the court of quarter sessions; the determination of which it expressly says is to be final.

741. The local Board, in the first instance, sanctions the application to the quarter sessions, if there shall be a difference between the person owning the property and the party desiring to acquire it, namely, the local authority?—Yes; but the local authority are thus made, so to speak, parties to the cause; and I submit that, in all cases where the public interests are concerned, a question

question of that importance should, as I have already suggested, have a special tribunal appointed for the purpose of considering it,—that is, of considering the various matters as connected with the public interests. The ordinary local authority will then be "promoters" before this special tribunal.

742. Do you mean that there should be a second tribunal, in addition to the local Board?—Undoubtedly. You make another in the Bill.

743. Is not that second Board the court of quarter sessions?—Yes; and their determination is here made final.

744. Would you have a third body?—This third body, I should say (in fact, however, the second body), should be, as it is now, a Committee of the House of Commons, to try simply those points which involve questions of Policy. This being so important an element, I only further call the attention of the Committee to two points. The first is, that the court of quarter sessions is not a representative body; and next, that it is not a body from which local interests and local influence are excluded, which, by the special rules of the House of Commons, is the case with their Committees. I would further add, though this is a mere matter of detail,—but one of great importance, to which the attention of the Committee should be directed,—that, at the top of page 48, it appears that the only persons who are to have an opportunity of opposing the measures, are persons upon whom notice is served, or whose property may be injuriously affected. Now, that is contrary to the power and opportunity which at present exist of opposing Private Bills in the House of Commons.

745. What provision would you suggest, in addition to those already provided for by the 109th section of the present Bill?—I think the Standing Orders and practice of the House of Commons would be the shortest answer to that question. These admit any interest which may be adversely affected, to oppose a Bill. Here the liberty to oppose seems confined to persons whose property may be affected. There are a vast number of cases in which persons may be affected without coming within this clause.

746. Mr. *Greene.*] Does not clause 109 give a right of appeal to every person who may be injuriously affected by the action of the Bill?—It seems to me that, under the words of that clause, there is no real protection at all, such as is embodied in the Standing Orders and practice of the House of Commons. The next section to which I will call the attention of the Committee is section 121, page 25. It relates to the mortgage of rates. The increased power of mortgaging given by this clause is entirely new.

747. *Chairman.*] You object to the power which is given to the local Board by the 121st section, to mortgage the rates at the assessable value of two years instead of one, as prescribed by the present Act?—Decidedly. Allow me to add that I object, except in very rare cases, to such powers of mortgaging at all; and for this reason,—that it imposes a burden upon the places where it is exercised, and thus imposes a restraint upon those places, hindering them from adopting any improvements. The last point to which I would ask the attention of the Committee is involved in several of the clauses, but chiefly in the clauses on pages 59 and 60, and 68. I will take them altogether; and they all relate to the powers of the General Board of Health. The greater part of these powers are new, and they give additional control to the General Board of Health over the local body, more than are contained in the Public Health Act of 1848. The first of these clauses relates, though not altogether new, to bye-laws: that is section 132. I am aware that that is copied, if not exactly, at least in substance, from the Act of 1848. The objection to this clause is, that the bye-laws have "no force nor effect, unless and until they are confirmed by Her Majesty's principal Secretary of State." In practice, it is found that the Secretary of State remits these bye-laws to the General Board of Health; therefore it is, in fact, the General Board of Health whose sanction is required; that is objectionable. Under the Municipal Corporation Act, the bye-laws may indeed be objected to, within a given time, by the Home Secretary; but unless they are so disallowed, they are binding. Under this clause, on the other hand, they are not permitted to have any force unless and until they are confirmed. There is the greatest possible distinction between those two cases. Great inconvenience has already arisen from the bye-law section of the Public Health Act, 1848.

748. Mr. *Greene.*] What would you think of a provision that the bye-laws should be confirmed by the quarter sessions?—That would not be so objectionable as the present clause. Under the common law, any place may make its own

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bye-laws without any external interference. In section 134, it is enacted that "every local Board shall make a report, in such form as the General Board from time to time directs, of all works executed by them during such year, of all sums received and disbursements made, and of all other such matters and things as the General Board directs." That clause is quite new, and gives to the General Board of Health a far larger power throughout England than the Home Secretary has. It is so obviously dangerous, that it seems only necessary to draw attention to it in order for it to be remedied.

749. *Chairman.*] What danger is there in the General Board of Health directing the local Board to transmit a copy of their proceedings to them, and of requiring their sanction to a mortgage of the rates?—I do not think that the General Board ought to be able to require to have such a report made to them as this section embraces, because it implies power of control over the whole works of the local Board.

750. Supposing that the Legislature should give local Boards the power of sanctioning the mortgaging of the rates for a particular object, what objection is there to a local Board sending a report of their proceedings to the general Board?—If it is properly defined there would be no objection to that. By the Nuisances Removal Bill returns are required to be made; but this clause gives the General Board of Health power to order all sorts of inquisitorial inquiries. Sections 135 and 136 give power to the General Board to send down inspectors for the purpose of making inquiry; and these may summon before them any persons whatever, and examine them under oath, in order to make such inquiry. In one case this power is allowed under the present Act; but that only goes to inquiries previous to the application of the Act; while this 135th section empowers the general Board to send down a superintending inspector at any time, not only when he is making an inquiry previously to issuing provisional orders, &c., but at any time afterwards.

751. Do not you think that the 137th section will operate as a great check upon the General Board?—I cannot say that I think so, because the result proves that reports such as those required by that section only have the effect of a continual asking for additional powers.

752. Are you aware whether, in the execution of this Act, there has been any report made by the General Board of Health in reference to that department?—I hold in my hand, a "Report by the General Board of Health on the measures adopted for the execution of the Nuisances Removal and Diseases Prevention Act, and the Public Health Act, up to July 1849. Presented to both Houses of Parliament by command of Her Majesty."

753. Are you aware whether, from that date downwards, there has been any report; there is no provision for any annual report?—I am aware that there is now no provision for any annual report.

754. Has there been an annual report?—Certainly not.

755. Do not you think that it is very desirable that the General Board of Health should make annual reports to both Houses of Parliament, setting forth the result of their inquiries?—If the General Board should make reportss upon specific data, it might be so, because then you would have returns of facts; but, in the reports which have been presented hitherto, I find matter of a totally different character. This report will be found to consist generally of *exparte* statements of opinion and of requisitions for more powers. That is, I think, highly objectionable. A large part of this Report has reference to the application of the Public Health Act.

756. You are aware that the Act was passed in August 1848, and that the report is dated in July 1849, before the Act could have been put into operation in any large number of places?—There were, however, a large number of local Boards then in operation. A list of 141 places is given at p. 46, where steps had been taken under the Public Health Act. I should submit, that what should be required should be, returns under specified heads, instead of a report such as this. Those returns would give facts in a much shorter and more reliable form. Clause 159 is the last clause to which I would ask the attention of the Committee. It enacts, that "every local Board may, *with the approval of the General Board*, apply for an increase of their powers, and charge all expenses properly incurred by them in making such application on the general district rates, leviable by them under this Act." This evidently applies to increase of powers

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by Act of Parliament. It either means that or nothing; and ties up every place from its constitutional right of addressing Parliament.

757. The object of that clause is to enable a local Board, if they desire to apply to Parliament for any extension of their powers, to do so?—As I understand the clause, they may not do so without the approval of the General Board; that is what I object to. This, again, puts Parliament under the control of the General Board of Health, and it deprives the inhabitants of the place of the right, which they have at present, of going to Parliament.

758. At present, supposing the local Board should desire to go to Parliament, and their Bill should fail, the parties promoting that Bill cannot be considered as a public body, and they cannot charge the costs which they may have incurred upon the rates, but each individual must be liable for the costs of the proceedings; is not that so?—Undoubtedly; that is, of course, the uniform rule.

759. Then the object of this clause is, that the local authorities may, under the approval of a public department, go to Parliament for that which the ratepayers, or they, as the representatives of the ratepayers, may require, and that having that approval they may charge the expenditure upon the rates?—That is unquestionably one sense in which it may be understood, but it clearly implies that the approval of the General Board is to be a necessary preliminary to their going to Parliament, under any circumstances.

760. The object of the clause is this: if the local authority shall desire to go to Parliament they shall make a statement to the General Board, of Health of what their views are in relation to the application; and, having received the sanction of the General Board of Health, they shall have power to charge the expense incurred, by going to Parliament, upon the rates?—It clearly follows from that, that the local Board would be hindered from going to Parliament; as they may now go. If I am to understand that, notwithstanding that section, they may go to Parliament without the approval of the General Board, just as they may now do; there is no objection to that. If that is made clear, of course I withdraw this objection; but the clause must be altered to make this so.

761. The object of the clause is this, that if the parties desire to go to Parliament, without receiving the sanction of the General Board of Health, the law will remain in force as it is now against parties so proceeding to Parliament; but that on the contrary, if they shall go before the General Board of Health, and that department shall sanction their proceedings, and they having received the consent of the ratepayers, or the local authority, do go to Parliament, they shall have the power of charging the expenses of the application to Parliament upon the rates; do you object to that?—No, if it is clearly so stated in the clause. May I be allowed to call the attention of the Committee to the following circumstance. A doubt was expressed just now by the Right Honourable Chairman, whether there had been more than one report of the proceedings of the General Board of Health. I hold in my hand a report which was made last year, and which was so largely referred to when Parliament decided that the present state of things should not continue. That is a specimen of the sort of report which the Board of Health makes; it is bad enough to have had two such reports in five years; what will it be if we have one every year, as this Bill proposes?

William Everest, Esq., called in; and Examined.

W. Everest, Esq.

762. *Chairman.*] I BELIEVE you are a Solicitor, residing in Epsom?—I am.

763. You are clerk to the magistrates also?—Yes; and solicitor to 14 parishes.

764. Do you wish to make any suggestions to the Committee in reference to some clauses of the Public Health Bill of this year?—I do.

765. To what points do you desire specially to call the attention of the Committee?—First, I wish to call the attention of the Committee to the working of the local Boards of Health under the existing law, and also to some practical defects which are apparent in the Bill. If you will permit me, I will put in a report which was made by the superintending inspector when the Public Health Act was first applied to Epsom.

766. Lord *R. Grosvenor.*] Which is the first clause to which you would wish to draw the attention of the Committee?—In the interpretation clause of the Parliamentary Bill, page 3, line 20, the word "street" is defined to apply to any highway "(not being a turnpike road) and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether thorough-

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fare or not." I would suggest that the word "public" should be inserted, because I know that in one district it would seriously affect property. Then as to page 6, section 12, with respect to the adoption and application of the Act to any district already under the Public Health Act, supposing any place declines to adopt this Act, would the Public Health Act still remain in force in that district; for it appears by that clause it would be so.

767. *Chairman.*] That being the case, what have you to say upon the subject?—Then, the repealing clause, 162 states, that after the passing of this Act, the Public Health Act, 1848, shall not be applied to any district. It is not clear whether that means that it shall not be enforced, or that it shall not be newly applied. If it means that it shall not be newly applied, I would submit that term should be introduced there to make it clear; for the provision has been otherwise construed with respect to other measures. With respect to clause 32, page 16, which contains the rules for the application of the Act, the petition is to be subscribed by one-tenth of the ratepayers; I would suggest that the ratepayers of the district should vote by voting papers; and if upon the reception of those papers by the proper officer, it should appear that one-tenth of the ratepayers have voted in favour of the adoption of the Act, that would be a better course than having the petition sent round for signature.

768. Mr. *Irton,*] Would you prefer that to a public meeting?—Public meetings are not always very satisfactory; persons of property and influence will not attend them.

769. *Chairman.*] You desire that the poll should be taken by voting papers?—I desire that it should be taken by voting papers, similar to the election of Poor-law guardians.

770. Lord *R. Grosvenor.*] How would you insure that all the voters should be *bonâ fide* ratepayers?—The churchwardens of the parish would ascertain that they were ratepayers.

771. Mr. *Adderley.*] Who is to start the poll?—The summoning officer.

772. Do you mean to suggest that if the summoning officer desires to set the Act in operation, he shall have the power of doing so?—There should be a compulsory power.

773. With whom should the first motion rest?—I would suggest that any respectable portion of the ratepayers may send a requisition to the churchwardens, requiring them to take a poll of the parish upon that question; at present it is not so. With respect to the contracts made by the local Boards, section 62, page 24, there is permission given to the Boards of Health to do certain acts, but it is not imperative upon them to do so. The term "may" is used, instead of "shall." The words are, "and may make such contract in writing, and under their common seal." And with respect to other cases, if the word "may," throughout were altered to "shall," it would make the action of the local Board compulsory, whereas, under the present Act, by the use of the word "may" it is rendered permissive. I have known of many thousand pounds having been spent in consequence of the word "may" having been read as permissive only; and at the present moment Boards of Health are evading the operation of the Act by means of that word. In page 27, section 71, the local Boards are required to make a map, and to deposit it; but there is no penalty, either in this clause, or in any other clause in the Bill, upon the local Board for not carrying out the provisions of the Act. Our own case shows the disadvantage of that. We have had the Public Health Act in full operation in Epsom since the year 1850, and there is no map deposited in the office of the Board for inspection, and never has been. I would propose that there should be penalties imposed, and that they should be of a personal character; because it is quite obvious that if a ratepayer makes a complaint against the General Board, or takes any proceeding, if he is perfectly in the right, he will gain nothing by it. I know an instance of a gentleman who spent 500 *l.* in an appeal against the Board, who, when he succeeded in defeating the Board, had not only to pay his own expenses, but a large proportion of the Board's expenses also.

774. You think that instead of receiving the suggestion made to the Committee, to the effect that the penalty should be enforced upon the inhabitants by being charged upon the rates of the district, you would provide that if a penalty is to be inflicted it should be laid upon such parties as the higher authority may determine ought to be punished, and that those parties shall have to pay the fine themselves?—Just so; upon the principle of treating the Board of Health

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as trustees like any other trustees, they ought to have personal responsibility. In section 72, on the same page in the second line, there is an exception from the operation of the clause of "Sewers made by any person for his own profit;" you can hardly define what that means; probably it should be "for his own benefit." I know an instance in which such a term would give rise to a question. Then, again, in section 4, in the same page, line 40, powers are given to the local Board to repair existing sewers or drains. I presume the word "public" ought to be inserted there. Then, as regards public works, I have an objection to a provision in page 27 line 25. If the word "public" is added to the definition of a street in the interpretation clause that would meet the objection, otherwise it would affect private carriage-ways. Then, in page 40, line 6, with respect to the payment for the supply of water out of the general district rate, it would affect some districts most cruelly, and is wholly inapplicable to those rural districts where the Public Health Act has been already established. At Epsom, for example, if you refer to the place marked on the map, from which the town of Epsom has been supplied with water, you will see that there is in the map at the north-eastern end of the parish an estate separated from the town by hills and woods, which cannot by any possibility be supplied with either water or sewage. If this clause be left in, the whole of the parties in living there would have to contribute to the supply of water to houses of the town.

775. You desire that there should be a special rate for the houses that are specially supplied with water?—We desire that there should be a special district rate, and that that district should be defined by the General Board in London, and should be confined to the parties directly benefited. In Epsom, the rate is made on lands two miles off; for instance, there is a warren belonging to Mr. Ladbrooke, situated at the extremity of the parish, and separated from the town by Epsom Downs, and at least two miles from it, which is charged to the special district rate. At the present moment, the Grand Stand on Epsom Downs, which is at a great distance, is charged for the supply of water to the town. We have appealed against the rates, and succeeded in quashing the rates; but the Board of Health have said, "Although you have done this, we shall go on making rates, and you may appeal against them if you please; we have the parish purse in our possession." They keep on making rates in that way upon property that it was never contemplated should be included in the Act. There is one estate belonging to the late Member for Surrey, Mr. Trotter, of 1,200 and odd acres, separated by hills and valleys from the town; it is a hamlet in itself, and it is wholly sewered and wholly supplied with water. There are a large number of poor houses in it, and he is charged by a special rate for the town of Epsom, because his estate is inserted by the local Board in the district contrary to the Act.

776. Mr. *Egerton.*] How far is it from the town?—I said before, I think it is a mile and a half; I have a map here; and by the map of the Board of Health, which has defined the district, it is included. It was originally not in the district, which was originally confined to the town; and it was included without the sanction of the General Board. The local Board levied a rate upon the smaller district, and made plans for the smaller district; and when they found subsequently that they were spending a little too much money, they got Mr. Wm. Lee, who had prepared the plans for the General Board of Health, and who was also at the same time the superintending surveyor to the local Board, to alter these plans (as Mr. Lee has admitted on his oath in a trial), and thus they included a larger district.

777. *Chairman.*] Was not that one of the evils arising from the Board allowing their superintending inspector to be the engineer of the district?—It might be; but I think myself that they ought to be so, because the responsibility ought to be cast upon them. Mr. Lee makes this report, and upon this report and certain letters which he wrote, and which the Chairman was kind enough to hand over, he said that the Act was never intended to apply to this estate. At that time I was giving the Board all the assistance that I could, because I was anxious to carry out sanitary reforms. As there were great doubts as to the correctness of the report, it was suggested that Mr. Lee should be called upon to carry it out. There is not a single thing in the report that he has carried out. He talks in his report of getting the water from the Common; now Epsom Common happens to be mineral; the well-known Epsom salts come from there. He proposed to collect the waters from the Common, and bring them down by pipes into the

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town. Since that he has found out the mineral character of the soil, and has sunk a well at the lowest extremity of the town, and pumps the water up to the highest level for the purpose of supplying the town. Mr. Lee was appointed to carry out his own report, but he has not carried out a single thing in it.

778. Lord *R. Grosvenor.*] Would not it be absolutely necessary to protect these properties?—It is perfectly ruinous to the estates. There are 3,000 acres of land, with regard to which no earthly power exists in the local Board of Health to benefit them by sanitary improvements. The town of Epsom stands upon the north-west.

779. *Chairman.*] I believe these lands pay upon only one-fourth of their property to the highway rate?—The lands pay upon one-fourth to the highway rate under the recent construction of the general Act.

780. Did not they, before that construction was put upon the general Act, pay upon one-half?—Yes; but the mansions still pay upon the full amount. There are mansions in Epsom (and this fact will show the value of the district) rated at 300*l.* and 400*l.* a year each, at a great distance from the town, that would not in any way be benefited by the Board of Health.

781. Lord *R. Grosvenor.*] If the plans had been deposited, could those alterations which you have spoken of have taken place?—This falsification, if you may call it so, could not have taken place if the plans had been properly deposited. It was done for the express purpose of certain appeals which were commenced before the alterations took place; the rate was quashed, and there are at the present moment existing no less than four appeals made against a special district rate, made upon exactly the same grounds upon which the other rate was quashed. A clause also should be introduced into the Bill which practical experience shows to be necessary, that when a rate is quashed the Board shall allow it from the next effective rate. By the Public Health Act no proceedings can be taken against the Board of Health after six months have elapsed; but the Board of Health at Epsom, having collected the quashed rate, except from the people who had appealed, very cleverly postponed the making of the new rate for six months, so that no rate-payers in the parish should have any legal remedy for the recovery of the rate back again. The notices of the Board of Health also should be in every case publicly affixed within the parish. For instance, as to the notice of audit, which is a most important notice, in our district, so far as we are concerned, nobody ever hears of it.

782. *Chairman.*] Will you state what clauses in the Bill you object to?—There are various parts of the Bill where public notices are required from the local Board; it does not say in what way they are to be given. With us they are advertised in a local paper which is not seen in the place. We never hear of anything that was done.

783. Lord *R. Grosvenor.*] Are they not affixed to the church door, or any other public places where the vestry notices are placed?—No, they are not. The General Board take care to advertise their proceedings; but as to the local Board, their notices are always kept as secret as possible. For instance, I was prepared to nominate a person as a member of the Board at the annual meeting, and I never heard that the meeting was to be held. There was no notice given of it.

784. *Chairman.*] What is the next clause to which you would wish to call the attention of the Committee?—I find no clause in the Bill giving powers of appeal against acts done by the Board or their officers. If the local Board do anything wrong under the alleged powers of the Act, none but a rich rate-payer has the slightest chance of redress. The only redress which a ratepayer has is by action. Now the Board do a great number of things which are great grievances, and for which they are legally punishable; but unless a ratepayer gives a notice of action, and brings his action, and goes to an enormous expense, he has no remedy whatever.

785. Is not that provided for under the 145th section of the Bill?—That is worse than ambiguous; that section requires a poor man, through whose land the Board of Health carry their works without any notice whatever, doing him an immense deal of mischief, not only to go to the enormous expense of appealing to the sessions, but also to find two sureties to pay the Board's costs if they beat him. Now I have, at the present moment, a knowledge of at least 55 cases in which the local Board have done acts which were decidedly illegal; they have trespassed

trespassed upon property without any notice; they are liable to actions; and in some cases they have had actions brought against them; but some of them are people who do not wish to go to law, and others are poor people who cannot go to law. Now there ought to be some power of appeal to the magistrates.

786. You wish a more summary and a less costly appeal to be given than that which is provided for in the 145th section?—Just so. I also wish to put it on this footing: that in any dispute which arises between the Board of Health and parties, they shall have the same powers against the Board that the Board has against them; for the Board has the power of proceeding against any ratepayer before the magistrates. We think that the ratepayer should have a similar power against the Board.

787. Mr. *Wilkinson.*] Are you of opinion that the Board should be punishable for their misdoings?—Yes, and there is another suggestion that I wish to make: that in case of any dispute between the Board and any ratepayer, it should be tried on even terms.

788. *Chairman.*] Have you any clause drawn up to embody your views upon the subject?—I have with regard to the old Act; I hoped that the old Act would be amended.

789. Will you draw up the clause and submit it to us?—I will. Then by the provision in page 25, section 63, the local Board is to cause minutes, and so on, to be kept. I would suggest that the ratepayers should have access to inspect those papers occasionally; at present there is no inspection given. Section 65, if my view is right, will require great modification. It is as to the liability of the members of the Board.

790. Do you mean to refer to the suggestion you made just now, that the members of the local Board should be punishable?—Just so. Then by section 74 it is imperative on the Board to cause the whole of the district under their care to be effectually drained, and it gives them extensive powers to do so.

791. Was that the case under the former Act?—It was; but it is very objectionable, especially as the clauses which controlled it under the old Act are gone. For instance, it was directed by the old Act, that the Board divided the district into several parts, which is not the case now.

792. Do you refer to section 109?—If you will have the kindness to take the two clauses together, you will see that by clause 74 the Board is compelled to cause the whole of the district under their control to be effectually drained. They have power compulsorily to go into every property in the district or town and effectually to drain it; that will give power to the local Board to go upon some estates at a great distance from the town. They would say they were compelled to do it, and that they would drain the estates, although the owner did not want it. This is actually being attempted at Epsom at this moment. They went to Mr. Trotter and said, "You shall have your estate drained; you are within the special district, and we will make your drains;" and in order to do it they have at this moment a few drains and dug a ditch.

793. When you say that the local Board insisted upon draining Mr. Trotter's estate, do you mean to say that they insisted upon laying out his estate for draining purposes, in the ordinary acceptation of the term, or do you mean to say only that they insist upon having a drain made for special purposes?—No; what they say is this: "We will enter your estate and drain it, as we think fit." Mr. Trotter had no notification of what they meant to do, and he has resisted them legally up to the present time; they attempted to make an entry to do it, and they have carried some drain pipes up the hill and across Epsom Common; they have carried them along the road, and turned them into a watercourse, for the purpose of including Mr. Trotter's estate in the district. They have also set up a lamp-post near his gate, there being nothing on that part of the Common but a lodge; and it will be seen that by this Act they will have increased powers to bring people within the expenditure clauses.

794. Lord *R. Grosvenor.*] How do you propose to alter that clause?—I propose that they shall be compelled to define the district for the benefit of which works are intended to be done, with the sanction of the General Board of Health; that for water and draining purposes they should define a special district, subject to the approval of the General Board.

795. Do you desire that the clause shall be that the local Board shall cause all the district, or any part thereof, with the sanction of the General Board of Health, to be effectually drained?—I should propose that such part of the district as

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as the General Board of Health shall approve of, shall be set apart for sanitary purposes.

796. Mr. *Egerton.*] Do you mean to give power to the General Board over the Acts of the local Boards?—Of course. I may state generally, that there are many other cases throughout this Act where I would suggest a similar alteration. There are too many instances that I could point out, where great evils will arise if the Boards have the greater powers which this Act will give.

797. *Chairman.*] Do you think that the General Board of Health ought to have more power than is proposed to be given to them under this Bill in relation to the local Boards?—Decidedly. When this Bill was first mentioned in the House by the Right honourable Chairman, a memorial went up to him to request that before this Bill was proceeded with he would have the kindness to direct a superintending inspector to visit Epsom, and ascertain how they were proceeding under the Public Health Act, before the Bill was discussed. The answer to that memorial was proper enough; but I would submit that it ought not to have been a proper answer. It was, that he possessed no power to send an inspector to see the working of the Act.

798. Is not that provided for the future by the 135th section?—Yes, but there is no power to do anything under that report; the General Board of Health possess no power beyond receiving the report. I would propose that they shall have the power of controlling the Boards, or correcting any work they have improperly done.

799. Supposing clause 135 stand as it is, the General Board will have the power to send down a superintending inspector to adjust any dispute. If we insert those words which you suggest, namely, that "the local Board shall cause the district, or any part thereof, subject to the approval of the General Board," to be effectually drained, will not that meet your case?—No. If in carrying out the provisions of the Act to any particular district, the General Board of Health, upon some representations made to them, send down a superintending inspector, and he finds that there have been some gross acts of injustice done, there is no remedy for those Acts, though the General Board are made acquainted with them by their inspector.

800. Did not you suggest just now that there should be a summary power given to the justices in such a case?—There should be a summary power under the provisions of this Act, but in certain cases, as the Bill now stands, except by action for what the local Board of Health, in carrying out sanitary Acts, has done, there is no power to check it.

801. Are the Committee to understand that it forms a part of your desire, that the General Board of Health should have the power generally of sending down inspectors at all times when they think necessary to inquire into the proceedings of the local Boards?—Yes.

802. For the purpose of seeing that those proceedings are carried out in conformity with the plans and specifications that have been submitted to the General Board, and approved, they shall have the power of instituting those proceedings?—Just so.

803. And that, in cases where parties shall have been aggrieved by any Act of the local Board, those parties who shall have been so aggrieved, instead of being compelled to go before the court of quarter sessions, shall have a more summary mode of proceedings, by going before the justices?—Yes; the party aggrieved should have the power, if they shall deem it expedient, under any circumstances, to proceed against any member of the local Board, and bring the party before the justices, and sue him for the penalty. At present, the local Boards say that they do not care for the General Board.

804. Mr. *Knight.*] As to drains; suppose the local Board are authorised to make such drains as may be necessary for the sanitary purposes of the district, subject to appeal to quarter sessions, would that meet your desires?—No; because for example, in the case of Mr. Trotter, he is surrounded on Epsom Common by a vast number of poor people, who cannot fight for themselves, and he is fighting for them.

805. How far is his estate from the limits of the town?—I cannot tell; I think a mile. You may fancy a common separated from a town by two or three intervening valleys, and the poor people to whom I have referred live in cottages near him. With respect to the qualification of members for the local Board, great evils have arisen from its not being a property qualification.

806. What

806. What would you suggest as to this point?—I would suggest that there should be a district, which the General Board of Health should establish, and that the members of the Board should be required to have property in that district, because this Act is to affect property in the place. I will just illustrate what I have to say by the case of Epsom. In Epsom, by some means or other, the owners of property in the place are not on the Board. The chairman of the Board is a retired tradesman from London. It is quite obvious, I think, that they can have no great interest in carrying out the Act. If the Board consists of owners of property, then if any act is done lowering the value of property, it is done by the owners of property themselves, so that they have no right to complain; but it is not imperative that the members of the Board shall be owners of property, but merely ratepayers.

807. Mr. *Egerton.*] What constitutes a ratepayer now?—With us a member of the Board must have 25 *l.* rental and 1,000*l.* qualification. I propose that it should be 25 *l.* ownership of property, instead of 1,000 *l.* Many men may have 1,000 *l.* in the funds, without having an inch of interest in the place. With us it is so. A retired lawyer, a surgeon, and two or three merchants from London, who have no interest in the place, are on our Board.

808. *Chairman.*] What you desire is, that the owners of property, as well as the ratepayers, shall be competent to be placed upon the Board?—Not an owner of property not being a ratepayer, but that of necessity the ratepayer elected should be an owner of property.

809. Would it not amount to this: that supposing the town of Epsom belonged to four or five persons, and all persons living in the town of Epsom, with the exception of those four or five, were yearly tenants, then the local Board must consist of those four or five persons?—Such a case as that I can hardly contemplate; but I think they might easily be compelled, in the event of there being a sufficient number of owners of property in the place, that the Board should consist of owners of property. At this point permit me to suggest that clause 50 of the old Bill should be restored; it enables small towns and parishes to carry out the provisions of the Act without the cumbrous machinery of a Board, and a number of officers.

810. Are you aware that that provision has not been applied in one single case since the Board has been constituted?—With a little alteration, giving the General Board of Health powers to force it upon any place, it would be a most salutary clause. If the Board had power in every place where there were defects in drainage, and where the Act was not applied, to compel the application of clause 50, it would be very beneficial; there ought to be power so to apply it. If that clause were reinserted, and extending the benefits of the Act to places having 5,000 inhabitants instead of limiting it to 2,000, the effect of it would be this: that the General Board would superintend the matter, and the local ratepayers would, by a committee, carry out the provisions of the Act, and when they have done their work, the machinery of the Board should be done away with. In small towns, they cannot bear the expense of the machinery.

811. Is it your desire that the General Board of Health should have the power of compelling these small places to adopt the Act?—That the General Board should, in populations not exceeding 5,000 persons, have the power to compel section 50, if it is reinserted, to be carried into effect. I would make a general suggestion, that with respect to the expenses incurred by the local Board of Health of every sort and kind, both under the old Act and under the new Bill, they are proposed to be paid out of the general district rates. Now, the effect of that is obviously unjust, because the general district rate, or the parishes contributing towards it, has to pay for the machinery of the Act. If the Board of Health have a lawsuit about a special district rate, or an action about anything which has been done (and I know of a case where more than 1,200 *l.* has been already expended), they should pay the expense incurred in carrying out that special district rate. I would suggest that, with regard to proceedings which the Board adopts, unless they receive the sanction of the General Board of Health for those proceedings, they should not be allowed the expenses. The General Board ought to have a controlling power over legal proceedings. These suggestions have the effect of making the Act more pleasant to those who have endured it. With respect to the two years' value, there would be this difficulty: the Public Health Act is now in existence in several districts, upon the faith that no more money would be levied upon those places; and certainly it would have been opposed had more money been contemplated at the time. Now moneys have been borrowed

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upon that principle, to be paid off in a certain number of years. Now if the local Boards already in existence are to have power to mortgage the rates to the extent of two years, it will be rather unjust upon the ratepayers if they have no controlling power over it. Then as regards the voting of owners in the matter, you confine them to single votes in this Bill. At Epsom we are surrounded by very large and extensive and valuable properties; and as the Bill at present stands, they have one vote only; and we have a great number of cottagers, who even at the present moment rather out-number the owners of property. Of course, in a mixture of town and country population, the effect of that measure would be most injurious to property.

812. You think it desirable to continue the system of plural voting in the present Bill?—Yes. At page 47, section 109, I see there that the advertisements of the local Board are to be published in the paper, but not in the parish. I think my previous remark will extend over that. Then, in clause 105, page 46, certain powers are granted to the Board of Health to erect market-houses and other places. I will illustrate that: we have a market in Epsom, but we have no market-houses, and we do not want one. But if this clause pass, I have no doubt that our Board of Health would to-morrow commence the erection of a splendid market-house at the parish expense. Now, in Epsom town it is a very serious thing to have the power as to the erection of buildings held by a General Board of Health of this sort, and making approaches to the market, and providing houses and places for weighing carts, and so on. The same remark will apply to sections 105 and 106 as being connected with the Public Health measure. There is also an enactment as to pleasure grounds. The local Board of Health have power to lay down pleasure-grounds; there can be no objection to things of that kind being done, if the ratepayers have something like a voice in the matter. But here is a power given to the local Board without any control of the General Board; without any control of the ratepayers; nobody has any any power over them. The local Board may go and take a great number of acres of land. We desire that the consent of the ratepayers should be required in such cases.

813. Is not the consent of the ratepayers given to the representatives who are elected by them?—The misfortune is this, that the members of the Board of Health are elected for three years, and with us they have managed to have make it six, because, according to the Act, they may be re-elected before they go out; and at this very time every member of the Board has been in some years.

814. Is it not the spirit of the Act, whatever may be the way in which it has worked in Epsom, that the local Board is elected for three years, and one-third goes out every year?—Yes; that each member may serve three years, and not longer. But the practical working is, that when a person once goes into a Board of Health, and the parish have made a mistake in electing him, they are three years before they can get rid of him. I would suggest, that in this as in all other local bodies, the members should be annually elected, and that they should come before the constituency once a year.

815. You would desire to alter the Act of 1848, by having annual elections instead of triennial elections; and you would also desire that the local Board should not purchase any grounds for the purpose of pleasure grounds, without the sanction of the General Board of Health; is not that so?—Yes; and of a certain portion of the ratepayers.

816. Independently of the local authority?—The local Board of Health should convene the parishioners, get a certain number of consents to what they are going to do, and then submit it to the General Board. At present they have unlimited and uncontrolled power.

817. Mr. *Wilkinson.*] Do you mean to say that they should have the consent of the ratepayers to everything they undertake?—Yes. Then with respect to page 50, section 117, that seems to be in direct opposition to instructions given to inspectors by the Board, on the 31st of August 1854.

818. *Chairman.*] How is this clause inconsistent with those instructions?—The instructions to the superintending inspectors there were, that the expenses of each district are to be borne by the district directly benefited by the works causing them, and they allude to a special district. Now this clause requires that all the expenses are to be paid out of the general rate, which goes over the whole parish, though they may be expenses referring simply to the special district.

819. You

819. You are aware that the 119th section gives the power of dividing the district into separate assessments?—Section 119 gives the power, but it is not compulsory.

820. All that you desire to be done to meet the case is to put the word "shall" instead of "may" in the 119th section. That would meet your case as regards the special case for a special district rate; and section 117 would meet your case as regards the general question?—The 117th section would require some amendment. It would require to stand thus, "the expenses incurred by the Local Board of Health, which are not legally chargeable upon the special district rate." These words, "which are not legally chargeable upon the special district rate," will have to be introduced. I hold in my hand an estimate for a rate, and among the items I find interest for mortgages for the special district and payments of money to the special district, and the members of the Board are among the mortgagees; I think they should not be concerned in any loans. The members of the Board have lent the money at 5 per cent.; one member of the Board has lent 1,581*l.* The principle is bad. Then they make a rate to repay the bankers the monies that they have been advancing them when they have had an overdrawn account; and then they make a rate for contract No. 4, without giving any intimation to the ratepayers what contract No. 4 is. And there seems to be no control as to what the estimate is. Then they have an estimate for 1,269*l.* 3*s.* 4*d.*, of which none of the ratepayers have any means of knowing what it is for.

821. Would not they have the means of knowing this, if they had access to the document of the local Board?—It is necessary that something of that sort should be done.

822. A clause shall be inserted to that effect. Will that meet your views?—Yes. Then in page 51, line 16, the word "owner" must be introduced, as well as "occupier." In some districts, by special Acts of Parliament, the owners are chargeable with certain rates, instead of the occupier. Then by a provision in page 53, the local Board may amend the rates, and so on; but there is no provision for giving similar notice before, as was given for making the rate. In line 21, the words, "when he has first received notice," should be altered to "when he has first received notice in writing." In page 53, section 118, clauses 15 and 16, there are one or two technical alterations which I would suggest. In clause 15, we should say, "rates and amended rates." And in clause 16, line 39, the words should be, "any justice may, on information given by the officer of the Board, summon the defaulter."

823. Will you state what further objections you have to any parts of the Bill?—With respect to the audit of accounts, the accounts of the Board are to be audited once a year. In every other public Board the accounts are audited half-yearly, or quarterly. The accounts, for instance of unions, are audited half-yearly.

824. They shall be audited half-yearly; have you anything else to mention?—In addition to that, if the Committee would add these words, "they shall, after those accounts have been audited, publish them, and distribute them among the parishioners," in the same way as is done under the Poor-law. There is no publication of the accounts required at present.

825. Is not that required in section 134?—It is required to be published in the newspapers, but not to be distributed among the parishioners. In section 134, it is not provided that a copy of the audit shall be sent to the ratepayers; I want to substitute for that the half-yearly audit, which would be the same thing in effect. With respect to the payment of the auditors, I would suggest that the compensation to the auditors should be fixed by the General Board, and not by the local Board, as it is in the poor-law, because he will not be an independent officer if his salary is to be fixed by the latter. Then the notice of the audit which is directed to be given in accordance with section 129, should be given by public notices throughout the parish. I would mention incidentally, that the clause forcing parties to enter into recognizances to appeal, would work very hardly upon smaller ratepayers.

826. What clause is that?—At page 63, clause 145. Under the Poor-law Act, there is no such provision.

827. How do you propose to alter it?—It was struck out in the former Bill, but was only partially struck out. I would take out the recognizance portion. May I make one suggestion with respect to the Nuisances Removal Act? It is this:

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this: from my practical experience, I find that the Nuisances Removal Act will not work well unless you give powers under that Act in the metropolitan police district to the Commissioners of Police. They have a great number of nuisances and other matters already under their control; they possess great powers of putting the Act in force within the metropolitan police district; and I think that under the control of the General Board of Health, it would be a most convenient measure. Nothing can be done by the police officer without a direction in writing from the Chief Commissioner, so that you would have great security against the power being vexatiously used. That would get rid, of course, of local and personal feelings, and you would have an officer appointed to do it who would be under the control of the Chief Commissioner in London.

828. Do you think the Act would by that means be brought into operation very effectually?—When any new Act has imposed penalties within the metropolitan police district, immediate directions have been given to the police force to have it carried out, and you find it carried out without regard to persons; there would be a report made to the Police Commissioner of every case in which the Act was put in force.

Mr. *Thomas Serle* called in; and Examined.

Mr. *T. Serle.*

829. *Chairman.*] I BELIEVE you are a member of the town council of Wakefield, and consequently a member of the local Board of Health, the Act of 1848 having been applied to Wakefield?—Yes, I am.

830. A petition has been presented to the House of Commons by the mayor, aldermen, and burgesses of the borough of Wakefield, being the local Board of Health of the district, in which you enter objections to two Bills which have been introduced this year, namely, the Nuisances Removal Bill, and the Public Health Bill?—We do.

831. What you object to chiefly, I understand, is that in the alteration to be made with respect to the local Boards of Health, there should be no appeal to the justices; is that so?—Yes; that is one clause that we object to. Our first objection is with reference to the 88th section of the Public Health Bill: it states there, that it shall be the duty of the local Board to keep their district free from nuisances.

832. The clause runs thus: "It shall be the duty of the local Board to keep their district free from nuisances, and for that purpose to exercise such powers and take such measures as may be vested in or exercisable by them, under any Act or Acts of Parliament for the time being in force." Would not that refer to the Bill of 1855 when it should pass into a law, and if it should not pass into a law to the Act of 1848?—Yes. The view that the local Board take of it is this, that sections 16 and 17 of the Nuisances Removal Bill make it imperative upon us to apply to the magistrates, and obtain an order from the magistrates before we can remove nuisances.

833. Have you the Bill as amended by the House of Commons?—We have not. We say this, that if the Public Health Bill makes it imperative upon us to keep the district free from nuisances, we ought to be the party to order our inspector to remove nuisances, and we ought not to have to apply to the magistrates for an order before we do it.

834. What you desire is, that the order of the local Board shall be final, without any appeal to the justices?—Decidedly so; we see that if the 17th clause stands as it is, making it imperative upon the Board to keep the district free from nuisances, it would place power in the hands of parties who might think proper to take proceedings against us for not keeping the district free from nuisances. It is a very difficult thing in a large population to keep a whole district free from nuisances.

835. Mr. *Egerton.*] You do not wish to be under any control?—No.

836. *Chairman.*] But if there is to be a controlling power over you, you require that the 88th section should be so far amended as not to make it imperative upon you to do that which by some possibility you may not be able to do?—Exactly. The next clauses to which we object, are clauses 94 and 97 of the Public Health Bill.

837. Clause 94 is, "If any person feels aggrieved by any order of the local Board relating to any such building, conversion, or rebuilding as aforesaid, he may appeal against such order to the quarter sessions"?—Yes; clause 97 is upon the same principle.

838. You

838. You desire that there shall be no right of appeal given?—We say that it would be better to refer the matter to arbitration, inasmuch as the quarter sessions is not the tribunal best qualified to judge of these things, and in nine cases out of ten they would refer the case to arbitration.

839. Lord *R. Grosvenor.*] Do you mean that it shall be optional or imperative to refer the matter to arbitration?—Imperative; and that it should not be necessary to go before the quarter sessions, because they are merely matters of fact.

840. *Chairman.*] Would it be beneficial if it were optional?—We would rather have it referred to arbitration; because if it is optional, a party might take us to the quarter sessions, which we would rather should not be done. With respect to clause 95, page 35, we have no objection to the clause; but we suggest that where the local Board has drained and flagged a private street, which the owner has neglected to keep in repair, the said street should be at once declared to be a public street. We have found great difficulty in Wakefield in that respect.

841. That shall be attended to; have you anything else to suggest?—As to clause 103, page 43, as regards lighting, and as regards gas, we do not object to it as far as it goes. We think the question of arbitration as to the price of gas exceedingly good, but it does not go far enough. At Wakefield, we have had considerable difficulty with reference to our agreements with the gas company. They have insisted upon a clause which we considered very unjust, but we were compelled to have the clause, there being only one company in the town, and therefore we were obliged to give way, and sign the agreement which they insisted upon.

842. What is the nature of that agreement as regards the charge to private consumers, and to the public?—As regards the charge, we can make no terms whatever. They insist upon our paying 3*s.* 9*d.* per 1,000 cubic feet, while at Leeds the price is 2*s.* 11*d.*, at Bradford 2*s.* 6*d.*, and at Halifax 3*s.* 0¼*d.*

843. What is the price of coal per ton, delivered in Wakefield, from which they make the gas?—I think it is cheaper at Wakefield than at any of the other places I have mentioned, because we have coal close to us; at the other places they have not.

844. Is it the fact that, although they charge you 3*s.* 9*d.* per 1,000 cubic feet of gas at Wakefield, and the charge at Leeds is only 2*s.* 11*d.* per 1,000 cubic feet, yet the price of coal in Wakefield, where they charge the higher sum, is less than it is in Leeds, where they charge the lower sum?—Yes, very much less.

845. In Leeds, are there more gas companies than one?—Yes.

846. And in Wakefield there is only one?—Yes.

847. Do you attribute that exorbitant charge to there being no competition in Wakefield?—It must be so; there can be no other cause; because there is another circumstance at Wakefield which would tell against the gas company particularly; which is, that being a large malting town, they have a capital market for their coke; so that, in fact, the price of the gas to them is merely nominal. On account of their getting the coal so cheaply, and getting so high a price for their coke, they could afford to sell us gas cheaply, if they liked to do so.

848. Under the provisions of this Bill, as it stand now, the Local Board have power to apply to any Gas Company for a supply of gas; and in case there should be a difference of opinion between the local Board and the persons supplying, it is provided that they may go to arbitration; is not that what you desire?—Yes; but it does not go far enough.

849. So far as it goes is it not satisfactory?—Yes; what we want is that not only the price but the terms of the agreement between the gas company and the Local Board should be rendered more satisfactory. But with reference to arbitration; for instance, the gas company at Wakefield both light the lamps and put them out, and we give them so much per lamp, calculated to burn so much gas per hour. If by any fault of the company's servants, or any deficiency whatever, they do not consume the proper quantity of gas, we are compelled by the agreement which they insisted upon to give them 12 hours' notice before we can have any deduction for the deficiency. We objected to that strongly; the local Board passed a strong resolution upon the subject, but inasmuch as we could do no better, we consented to the agreement being ratified. But the Board had many

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many meetings, and were exceedingly sore upon the subject. But they went further than that: after we had consented to this, and the agreement was about to be signed, the company brought forward another clause which they insisted upon having introduced: "That in case the said company shall, in the month of January next, increase the price of gas to their consumers, in and from the time of making such general increase the price of the gas which shall be supplied to the said public lamps shall be increased up to the said rate." Therefore they give us an agreement which we have no power on our side to alter for the benefit of the town.

850. You consider now that you are at the mercy of the gas company?—Decidedly.

851. You think that the Bill as it is framed now would be advantageous for the public at large; and that it would be more advantageous if it were to go further; and if not merely the terms of the supply of gas, but the agreement for carrying out those terms, were submitted to arbitration?—Decidedly.

852. Mr. *Wilkinson.*] What is the population of Wakefield?—The population of the borough is about 25,000.

853. You have stated that the price of gas is very much higher at Wakefield than in the neighbouring districts?—As supplied to the public lamps. I confine myself to that entirely.

854. What is the price to ordinary consumers?—The price to ordinary consumers is 3*s.* 9*d.* per 1,000 cubic feet; the same as to the town.

855. Seeing that that price is high, compared to the price of coals, regarding the other places in the neighbourhood, is there any reason why another gas company has not been established?—There was an attempt to form one some years ago, and when they got before Parliament it ended in a compromise; but with the terms of that agreement of course I am not conversant, and therefore I cannot give evidence upon it.

856. Were you rightly understood to say that the object of your desire now, is that there should be a clause for settling by arbitration what price you are to pay for gas?—Not only the price, the Bill would do that; we want the terms of the agreement also to be decided by arbitration; that is of more consequence to us, as a local Board, than the price.

857. You want to have the power of setting a limit to the price that shall be charged by the gas company?—The Bill does that already. With regard to setting the price of the gas, that is another matter; but we state this: that all we care for as a local Board is to be in a position that if we make an agreement with the gas company, we shall have some voice in the terms of that agreement. At present we are completely at their mercy; and though they cannot by Act of Parliament charge more than 4*s.* per thousand cubic feet, they may charge us 3*d.* more than the present price; but what is far more important, they can give us such clauses in the agreement as may save the local Board a great sum of money.

858. The present Bill gives you the power of setting a price upon other people's commodities?—Yes; the Public Health Bill, as now before me, does so by arbitration. We are not private consumers; we pay a sum of 1,100*l.* per annum for gas; and we think that, for the benefit of the community among whom we live, we ought to be in a position to determine as to the expenditure of money, particularly with regard to the supply of a proper quantity of gas.

859. *Chairman.*] When was the gas company established?—Thirty-two years ago.

860. Was the maximum price to which you have referred determined at that period of time?—No; but at the time of the compromise that I have referred to between the new company and the old company, before a Committee of the House of Commons.

861. In what year did the new company propose to start?—Perhaps seven or eight years ago.

862. And they were opposed by the then existing company?—Yes; and the existing company got further powers under their Act, and extended the boundary of their Act. No opposition has since that time ever been made to them. As a private consumer, I have no fault whatever to find with the company; but with regard to my position in the town, in connexion with the local Board, I say that they have not treated us fairly, and I think that there ought to be a power given by the Act which shall prevent such clauses being introduced in future

future into our agreements. For instance, the clause puts us in this position, that if the company leave half the lamps of the town unlighted, we cannot make any deduction from their charge without giving them 12 hours' notice.

863. Mr. *Wilkinson.*] Subjecting you to all the evils of monopoly?—Yes.

864. Mr. *Adderley.*] Upon what data could any arbitration of that sort proceed in fixing the price?—I should say it would have reference to the price at which they could afford to deliver the article; but I do not think that the local Board care so much about the price as about the agreement as to the manner, in which the gas is to be supplied.

865. Mr. *Wilkinson.*] Did you ever hear any proposition to effect an arbitration with reference to the price of bread?—No; but if there were only one public company in a town which supplied bread, I think it would be found necessary that there should be an arbitration.

866. Mr. *Adderley.*] In the different places which you have mentioned is the gas supplied to individuals upon the same terms as to the public?—That I cannot say.

867. Is it so in Wakefield?—It is.

868. *Chairman.*] Is there any other point to which you wish to direct the attention of the Committee?—In section 74, page 28, line 7, we would suggest that the word "land," should be placed after "street." We have a great deal of sewerage laid down in Wakefield, and a great proportion of the main sewer goes through private land, and it would be better to have the law distinctly stated upon that point.

869. That is to meet the case of private owners?—Yes. Then in section 118, page 51, we would suggest that the sum of 10*l.* should be altered to 6 *l.* The number of houses in Wakefield is 5,500, and 4,300 of those are under 6 *l.* rental. We consider that that would be quite low enough. Then by clause 118, page 64, application is directed to be made to two justices, before the inspectors of nuisances can enter or examine any lands or premises. Now, we would suggest that the old Act is far preferable; by that, the local Board can give an order authorising the inspector to do this.

870. The clause, as it now stands, runs thus: "In case the owner and occupier of such lands or premises refuses to permit the same to be entered upon, examined, or laid open," it will be necessary for the local Board to apply to two justices for the power of entry; is it your desire that the local Board should have the power of entry, irrespective of the order of the justices?—Yes. Those are the only points, with reference to the Public Health Bill, to which I wish to draw the attention of the Committee. As to the Nuisances Removal Bill, I beg to call attention to sections 14, 15, and 16. The marginal note to section 14 is "Power of entry to local authority or other officer." The objection that we have to that is, that the magistrates will give power to the inspectors to abate these nuisances instead of the local Board. Perhaps you will find, in 50 yards, as many as 50 nuisances, and we think that the inspectors should have power, on their own authority, to remove these small nuisances.

871. Mr. *Egerton.*] Have you any stipendiary magistrates in Wakefield?—No, we have not. Then as to section 30; in Wakefield, for some years we have been unfortunately situated in this respect, that we have a great many butchers who have diseased meat, and the Board have had great trouble on that account. We find a difficulty with the present powers under the Act of 1848, but under the present Bill we should be under greater difficulty; because while the inspector is getting an order from the justices to inspect the premises, the meat will be gone. What we desire is, that the inspectors shall have the power to enter any premises, except private houses, where they suspect that diseased meat is secreted.

872. Your objection would not be met, unless you gave the inspectors power to proceed upon the spot?—That is what we want. Then as to clause 34; I should feel an objection to the provision, that the parties may proceed against the Board in case they neglect to perform their duty, and may recover penalties from them. I think that if gentlemen give their time to carrying out the removal of nuisances, they ought not to be liable to be called to account in this manner.

873. If they neglect their duty, ought they not to be punished?—Great difficulty is thrown upon them, because by the Act they are obliged to ask the magistrates for power; and if they refuse, what can they do?

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874. Are you not aware, that if the magistrates refuse an order, the local authorities do not incur any liability?—I imagine that the parties can proceed against them, notwithstanding that.

875. Mr. *Irton.*] Do you wish to have them clear of all responsibility?—Yes, decidedly so.

876. The clause runs thus: "In every case where notice of nuisance has been given to the local authority in conformity with this Act, and such local authority has not within 14 days after the receipt of such notice taken the steps required by this Act, and the nuisance still remains, on information thereof, on the oath of one credible witness, the justice may proceed against the party who has been guilty of such gross neglect of duty. Do you object to that?—If we go before the magistrates, and they refuse to allow us to remove what we complain of, if the nuisance still exists, the party who shall give information of the nuisance may proceed against the Board.

877. All that is required of the local authorities, is to take the steps required by the Act; and, if the justices fail in their duty, of course no penalty can accrue against the authorities?—The same objection applies here that I urged against clause 38, in respect to the magistrates.

Lunæ, 19° die Martii, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Langton.
Mr. Egerton.	Lord Robert Grosvenor.
Mr. Wilkinson.	Mr. Adderley.
Mr. MacGregor.	Mr. Horsfall.
Mr. Irton.	Mr. Greene.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Robert Baxter, Esq., called in; and Examined.

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878. *Chairman.*] I BELIEVE you are a Solicitor and Parliamentary Agent?—I am.

879. I understand that you desire to give some evidence before this Committee respecting the provisions of the Public Health Bill, and more especially in relation to those clauses which affect gas and water companies?—Yes; and also canals and streams, bleach works, and mills.

880. Do you appear for several water companies?—Yes.

881. Have you been instructed by those water companies to appear before the Committee for the purpose of directing our attention specially to those clauses which they considered to interfere with them?—Yes.

882. Have you any objection to state to the Committee the names of the water companies which you represent?—Confining myself to water, I am particularly concerned for the New River Company; we had a general meeting of all the London water companies upon the subject; and I was commissioned by all the other water companies, with the exception of the Lambeth company, to endeavour to obtain modifications in the Bill to protect their interests; I consider myself, therefore (subject to any questions that may be raised by any one or other of the companies), as representing all the London companies here, except the Lambeth.

883. As to provincial companies, do you appear for any of them also?—As to provincial companies, I may mention that we communicated with every provincial water company; I have a list of 53 provincial water companies which I communicated with, and I have had from them 23 petitions; I believe that with the exception of one or two companies, they are all represented by me in the statements which I am going to make to the Committee.

884. The first section in the Bill which was presented to the House that affects

affects water companies, is section 100; will you make any observations that you desire to make to the Committee upon that section?—Section 100, as it stands in the original Bill, not only enables the Board of Health to enlarge the works for gratuitous supply, and to pay for that enlargement out of the rates, but it also will enable the Board to furnish that water intended for public purposes gratuitously to private consumers, unless there be some restraint put in the language of the Act; I have represented that to the Right Honourable Chairman, and he sees no objection to its being limited, by providing that the water is not to be supplied to private consumers.

885. Lord *R. Grosvenor.*] What paragraph is that of section 100?—It is paragraph 3. As it stands it says, "The local Board may construct any number of new wells, pumps or other waterworks for the gratuitous use of the inhabitants of the district, and supply the same with water." There is no probibition there to prevent this water being supplied through the whole district of the local Board.

886. *Chairman.*] If words are inserted which would preclude their supplying to private individuals, that would meet your objection upon that point?—It would. I have communicated with the Counsel who drew the Bill, and he sees no objection to recommend that the paragraph shall stand as I now read it: "The local Board may construct any number of new wells or pumps for the gratuitous use of the inhabitants of the district, but they shall not carry or supply such water to private houses, nor for trading purposes." It was afterwards suggested that there were cases where a local Board might be instituted, in which works originally belonging to corporations had been leased out to tenants, and as this clause contemplated the local Board forming new wells or pumps, it was contended that it ought to extend to enable the local Board to buy out the tenant of those works, the reversion of which would, by the constitution of the local Board, fall into the hands of the Board, and therefore these words were suggested, "or purchase by agreement the surrender of any lease of existing works, the reversion in which is now vested in a corporation or a corporate town, or any local Board or Commissioners for public purposes." And to that I can see no objection on behalf of the companies.

887. If that alteration was made in the 3d section of the 100th clause, as you have read it, that would meet your views and the views of those whom you represent?—I think so.

888. Mr. *Wilkinson.*] As you have last read it?—As I have last read it.

889. *Chairman.*] Are there any other points to which you wish to direct the attention of the Committee?—Yes; particularly paragraph 10 of the same section. As that paragraph stands, read with the 12th paragraph it would have the effect, in case it were adjudged upon arbitration that the terms demanded by any company were not reasonable, of giving power to the local Board to construct works of their own, and thereby supersede the works and destroy the property of any existing water company. The Committee will see in a moment that the co-existence of works formed by a local Board out of public rates, with the existence of a private company, is impossible, inasmuch as the inhabitants would be rated for the public works, and therefore would take no more water from the private company; so that if the local Board gained power to make a new company, they would, in making the new company, destroy the old one.

890. The point of your objection is, that, supposing there is a possibility of arbitration given by the Bill, where the possibility of arbitration is given, the local Board should not have the power of constructing any works at all?—Yes.

891. I understand you to say that where an arbitration is provided by the Bill, it would be wrong to give the local Board the power of constructing works, but that they should abide by that arbitration, if Parliament should determine that there should be an arbitration?—Yes; that no local Board should, in any event, be authorised to construct works, unless the existing companies refuse to furnish a supply.

892. On the terms decided by arbitration?—The question of terms is a mixed one. It would seem unreasonable to expect that companies who have been before Parliament, and have had their terms of supply fixed, after a due inquiry by a Select Committee of Parliament, should be adjudged to go to arbitration, to say what terms of supply are reasonable. Parliament has considered it, and Parliament has fixed the terms; and they are bound, under the Waterworks Clauses Act, to make their supply according to those terms. Then, it

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seemed only reasonable that where such was the case, the terms fixed by Parliament should be the terms upon which the local Board has a right to ask for a supply of water, and that they should not be able to send the companies to arbitration to fix fresh terms, Parliament having already fixed them.

893. Mr. *Egerton.*] Has Parliament fixed any limit of time for the revision of the rates?—No. There is this provision contained in the Waterworks Clauses Act, that after the profits of the company have reached a certain amount, the accounts shall be rendered, and the rates shall be reduced. There is a power of reducing the rates as soon as that maximum is attained.

894. Mr. *Adderley.*] Supposing your first suggestion were carried out, of restricting them from supplying the water for private purposes, would not that obviate your objection?—Paragraph 10 contemplates private purposes as well as public purposes; and as regards water wanted by the local Board for public purposes, it is only reasonable that that should be supplied by the existing companies, if there are any such.

895. Mr. *Wilkinson.*] When these companies laid out their capital for the supply of water, do you think that they expected that they would ever be brought to arbitration for the purpose of determining, apart from what they had submitted to in Parliament, what charge they should make to the public?—Certainly they would not have laid out their capital, I apprehend, if they had not considered the rates fixed by Parliament, the rates which they would have a right to demand against everybody.

896. They were always subject to competition on the part of any other water company?—Always.

897. But they did not expect that any arbitration would be resorted to to fix the price at which they should dispose of their commodity?—No; certainly not.

898. Do you think it reasonable that any company, having laid out its capital, should be subjected to arbitration as to the amount of its charges?—Certainly not reasonable, I think.

899. *Chairman.*] Is it not the fact, that a great many Bills have passed the Legislature in which there is not even a maximum price fixed?—Not as regards water, I think.

900. Not since the Act of 1847?—No.

901. But previously to the Act of 1847, did not a great many companies obtain Acts in which there is not even a maximum price, and therefore it is arbitrary?—That is the case with gas, but not, I think, as regards water. There are certain matters of supply as to which no price is fixed by the Acts; for instance, water for flushing sewers. By some Acts, that is to be dealt out at a price to be fixed by the magistrates, and, in other Acts, at a price to be fixed by arbitration. But as to the general supply of private consumers, I think all the water companies' Acts fix the prices. With gas it is not so.

902. Are you aware whether there is any such provision in the Chelsea Company's Act?—In every district there is a provision as to the price to be charged to private consumers, but not a provision as to the price to be charged for the public supply for watering the streets and flushing the sewers.

903. Is there any specified charge for the private supply in the Chelsea Act?—Yes, certainly.

904. Mr. *Wilkinson.*] Supposing a maximum had not been fixed by the Act of Parliament, would that alter your view as to the reasonableness of the companies being subject to arbitration as to their charges?—Of course, it is important that Parliament should deal equitably with all public companies which have laid out capital; and I think the equity of the case would be this, that the companies, if they have not a maximum fixed by their Act, should be compelled to continue the supply at the same rate at which they are now furnishing it; so that if they have a monopoly (so to speak) they should not charge more than they have been charging hitherto.

905. But I am not supposing the case of a monopoly. You have said that they are always open to competition?—To private competition.

906. *Chairman.*] Will you state to the Committee what you would suggest with reference to sections 10 and 11?—I have communicated with the Counsel who drew the Bill, and he sees no objection to recommend the following clauses in lieu of clause 10 and clause 11; I propose that clause 10 should stand thus: "If there is any company or person authorised by any Act of Parliament or charter to supply, or failing such company or persons so authorised, if there be any

any person then actually supplying water within the district able and willing to furnish upon reasonable terms a sufficient supply of water for the purposes hereinbefore mentioned, the local Board shall demand from such company or person, and contract with them or him for such supply." Then in lieu of paragraph 11, it is proposed it should stand thus: "In cases where any company is established to supply water within the district under any Act incorporating the Waterworks Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, then if such company is able and willing, within a reasonable time after demand has been made to them by the local Board, to supply water reasonably sufficient for any purpose required by the local Board, according to the terms specified in such Act or Acts, then such company shall be deemed to be able and willing to supply water upon reasonable terms; and without prejudice to the maintenance or construction of such wells or pumps as herein before-mentioned, it shall not be lawful for the local Board to construct, take, or purchase any waterworks within the limits such company is so willing to supply." 10 b. "In cases where there is any water company or person as aforesaid willing to supply, but such company or person has not been authorised under any such Act or Acts as aforesaid, then if any dispute arises between the local Board and any such company or person as last aforesaid with respect to the supply of water, as to whether the terms proposed by such company or person are reasonable, such dispute shall be decided by arbitration, in manner hereinafter provided; and any terms fixed by such arbitration, and accepted by such company or person, shall be deemed to be reasonable terms; but such arbitration shall, at the option of either party, be renewable upon the expiration of every term of three years, and without prejudice to the maintenance or construction of such wells or pumps as are hereinbefore mentioned, it shall not be lawful for the local Board to construct, take, or purchase any waterworks within the limits such company or person is so willing to supply." 10 c. "In case any difference arises as to whether the water which any company or person as aforesaid is able and willing to supply is available within a reasonable time, and is reasonably sufficient for the purpose for which it is required by the said local Board, or whether the purposes for which it is required are reasonable, such difference shall be settled by arbitration in the manner provided by this Act, and the award shall prescribe the time within which such supply shall be furnished."

907. Will you state to the Committee the substance of these propositions you have now read. Is the Committee to understand your view to be this, that the local Board shall have power to negotiate with persons who are not authorised by Act of Parliament to construct waterworks, as well as persons who are authorised by Act of Parliament; because under the Act of 1848 a difficulty arose, and the opinion of the law officers of the Crown was taken upon the question, as to whether a company which had not been authorised by Parliament was a company within the meaning of the Act; and the law officers determined that a local Board could not consider parties who had constructed waterworks at their own cost, and without the authority of Parliament, to be a company established within the meaning of the Act?—These clauses will protect individuals supplying water as well as companies supplying water; they are framed to meet the precise case to which the Chairman has referred. The main alteration made in these clauses is this, that they recognise the terms which Parliament itself has fixed for the supply of water as binding as well upon the local Board as upon the public in general; they do not subject these companies to go again to arbitration to fix the terms. And then as to the persons or companies who have not those terms specified under Act of Parliament, they are to go to arbitration; but such arbitration is not (as in the print of the Bill) to have the possible issue of enabling the local Board to construct works of their own, but that arbitration is to be binding upon both parties. The terms fixed by the arbitration are to be deemed reasonable terms, and to be binding upon both parties. As it stood in the Bill, if it went to arbitration, and the arbitrator said, "I think the terms asked by the Company are not reasonable," it would then bring into play all the power of the local Board to construct new works and supersede the old company. There is a modification of that clause which is desired by one or two of the companies, the Chelsea Company particularly, with regard to any supply for which the price is not fixed in their Act; for instance, the supply for watering the streets, or for flushing the sewers. It is suggested that the

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companies should be required in this clause to supply the water upon the same terms as it is supplied under the Acts of the adjoining districts, if the Committee see no objection. The modification would be, "If no terms for supplying water for such purpose be therein specified, then according to the terms specified in the Act of the Company next adjoining to such Company."

908. Mr. *MacGregor.*] Does your clause exclude the possibility of the local Board purchasing the property of existing companies?—As long as any company is willing to supply the district, they cannot purchase. If there are two companies, they will have to give both notice, and if either of them choose to supply they cannot purchase; but if neither of the two will supply them, they may either purchase or make.

909. Mr. *Wilkinson.*] Supposing the case of an arbitration with regard to individuals or companies where they had not had a maximum price fixed by Parliament, and supposing that the parties against whom the arbitration went did not fulfil the orders of the arbitration, what would be the penalty?—If the company declined to fulfil the arbitration, it would then, by that very refusal, enable the local Board to construct works in competition.

910. *Chairman.*] I understand you to say, that if the local Board and the waterworks company go to an arbitration, and after the decision of the arbitrator the waterworks company were to say, "We are not in a condition to supply according to the terms of the arbitration," then you propose that the local Board should have the power to construct works for themselves?—These clauses will so leave it.

911. What objection would there be to strike out the power which is given to the local Board for the erection or construction of works, and to make it compulsory upon the water companies which have come into the district to carry out the arbitration?—There would be no difficulty in doing that, provided they were required to do it upon the terms of the Waterworks Clauses Act of 1847. You are aware that every water company embodying that clause is compelled, upon a requisition from any part of the district, to furnish a supply of water; but in order to cover the expense of laying pipes through that district, the parties who apply are to bind themselves for a certain number of years to take as much water and to pay as much rent as will amount to 10 per cent. upon the outlay required to carry the works into the district; and that protection is absolutely necessary, because there may be erected in an out district some miles distant from the main works a number of houses, and the expense of laying pipes to those houses may be far beyond any remuneration the Company would receive; therefore it is a fair limit fixed by Parliament as to the terms upon which the company shall act by compulsion.

912. Mr. *Egerton.*] Have you any suggestion to make as to the 12th clause?—No, the 12th clause will be harmless if the 10th and 11th are thus modified. In the 13th paragraph it is put here, "The local Board may purchase or take on lease any waterworks; they may purchase any land, or streams, or easement in respect of land or streams, and do and construct and execute all such works as may be necessary or proper for the purpose of furnishing a supply of water." Now that power, when read in connexion with the subsequent clauses, embodying the Lands Clauses Act, enabling the local Boards to go to the quarter sessions to take property by compulsion, would enable them to take by compulsion all waterworks, and cut off any streams that may supply those waterworks. We propose to put in the words "by agreement" here, so that they shall not be taken by compulsion.

913. *Chairman.*] Are you now speaking in relation to waterworks?—This paragraph relates to waterworks solely; and the modification would be inserting in the first line of the paragraph, after the word "may," the words "by agreement."

914. Mr. *Wilkinson.*] Would not the taking any lands or streams affect other persons besides waterworks companies?—Most materially.

915. Do you mean to limit the purchase "by agreement" to waterworks?—The insertion of the words I have suggested, "by agreement," would apply to the whole of that paragraph.

916. Mr. *Greene.*] Must you not insert the words "by agreement" also in the other part of the clause?—Yes, they must be repeated again.

917. *Chairman.*] Supposing a waterworks company refused to supply, what provision do you make for that, if you alter this clause so essentially as you propose

propose to do?—The moment a water company refuse to supply, the power of the Board of Health to construct their own works comes then into operation.

918. But if you alter this section of clause 100, do not you destroy the power which it would be necessary for the local Board to have, in the event of the waterworks company declining to supply?—But I presume the Committee would not impose upon the waterworks companies this penalty, not only of allowing the local Board to compete with them, but also of taking their works by compulsion.

919. Not to take those works, or to take the water which the company may require, but they must have the power of going somewhere to get water?—No doubt; but I think that if circumstances arise in which a local Board is enabled to construct works of its own, it must be carefully guarded that it shall not go and take the water with which an existing company is supplying its own works.

920. But if you propose that the clause should run in this way, "in such event as last aforesaid the local Board may by agreement take, purchase, or take on lease any waterworks, or may by agreement purchase any lands or streams," and so on, they would have no power whatever either to purchase waterworks in the first instance, or to take any lands or streams from other parties, even though they did not interfere with an existing waterworks company; would it not therefore be necessary to put some qualification to that section, so as to enable them to have the power of taking streams and taking lands without interfering with any existing waterworks company?—On behalf of the waterworks companies, I should be satisfied if the local Boards were prohibited from interfering with their works and the streams supplying their works. Upon the general question, whether it is expedient to give a local Board power to take other streams by compulsion, I do not at present enter. If the clause prevents the local Board taking either the waterworks or the streams supplying the existing waterworks, I have no reason to complain, speaking on behalf of the waterworks companies. I wish to suggest a slight modification of clause 13, "Whenever any local Board of themselves have undertaken;" after the words, "themselves undertaken to give," it should be "consistently with the provisions aforesaid."

921. Mr. *Langton*.] Do the provisions of the Waterworks Clauses Act of 1847 render it compulsory upon all water companies established since that time to provide a sufficient quantity of water for flushing sewers and drains and cleansing streets?—I am not sure how far the compulsion extends; they are obliged to supply their district, and they are obliged, upon a requisition, to supply water for those purposes.

922. Otherwise, the fifth paragraph of the 100th clause would press hard upon the local Board?—There would be no difficulty with regard to the local Board, because the provision is, that they shall call upon the company to do it; but if the company either plead inability or unwillingness, then the local Board may do it themselves.

923. *Chairman*.] I believe you also appear for the gas companies?—I appear for several of the London gas companies, and I have communicated with all the gas companies in the kingdom, of which I know anything; I have been in correspondence with more than a hundred companies upon this subject; some of them, of course, employ, or are in communication with, other parties; but I have communicated with every one of them, although I do not affect to appear for more than those who have since communicated with me.

924. What number have since communicated with you?—About 30, I think, of country companies; and as to the others, all I should say would be, that I have sent them a circular stating the clauses which were proposed; and I conclude that those that do not appear to make any recommendation to the Committee, are satisfied with the clauses as they are proposed to be modified, as I will explain presently.

925. Will you state the alterations which you desire to propose on behalf of the gas companies?—Paragraph 2 of section 103 is the first which it is proposed to alter. Upon this paragraph I have communicated with the Counsel who drew the Bill, and he does not object, if the Committee please, to put the paragraph in this form: "If there is any company or person supplying or authorised by Act of Parliament or charter to supply gas within the district able and willing to supply such gas upon reasonable terms, the local Board shall demand from such company or person, and contract with them or him for the supply."

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926. Mr. *Wilkinson*.] You propose to give them the power of demanding a supply?—The word "demand" is necessary, in consequence of the language of the subsequent clauses, which enables such companies to take the option of supplying it.

927. You do not ask for any qualification of the term "reasonable"?—It is qualified by the subsequent clauses. Then in lieu of paragraph 3, it is proposed that it shall stand thus: "In cases where any company is established to supply gas within the district under any Act incorporating the Gasworks Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, or, in lieu of such reduction, for the payment of all surplus profits to any public purposes; then if such company is willing, within a reasonable time after demand has been made to them by the local Board, to supply gas for any purpose required by the local Board upon the terms specified in such Act or Acts, and in cases where no terms are so specified, then upon terms not exceeding the lowest price which, for the period of three months next preceding the date of such demand, shall have been charged by any such company to any private consumer, then such company shall be deemed to be willing to supply gas upon reasonable terms; and in cases where there is any gas company or person supplying gas, and such company or person shall not be authorised under any such Act or Acts as aforesaid, or shall prefer to go to arbitration, then if any dispute arises between the local Board and any such company or person as last aforesaid, as to whether the terms proposed by such company or person are reasonable, such dispute shall be decided by arbitration in manner hereinafter provided, and any terms fixed by such arbitration and accepted by such company or person shall be deemed to be reasonable terms; but such arbitration shall, at the option of either party, be renewable upon the expiration of every term of three years, and it shall not, in any or either of the cases aforesaid, be lawful for the local Board to construct, take, or purchase any gasworks within the limits any such company or person is so willing to supply." The terms of supply are a point to which, perhaps, the Committee would wish particularly to direct their attention. It is put here, that if the terms are specified in their Acts, those terms shall be followed; but if the terms are not specified in the Acts, then it shall be at the lowest price at which, for three months previously, gas has been furnished to any private consumer.

928. *Chairman*.] Under the old Acts some of the terms are very high; for instance, in the City of London Gas Company's Act, I believe the terms are 15*s*. a thousand. Now, how would you provide for that, supposing the parties shall have been charging very high terms?—The parties will be obliged to furnish gas to all upon the same terms at which they furnish gas to any. That would be enforced by a court of law. It would not, therefore, be practicable for a company, situated as is suggested, to charge higher to the local Board than they are charging to private consumers.

929. Take the case of a provincial town, where there is a party without an Act of Parliament, charging 9*s*. a thousand feet, but where it might be made for 3*s*. 6*d*. or 4*s*. a thousand: how would you propose that that party should be dealt with, in order that he may be compelled to furnish the public and private consumers with gas at a reasonable price?—He would necessarily have under this clause to go to arbitration. It is only in the cases of companies having Acts which embody the Gasworks Clauses Act, that you can take the price specified in the Act of Parliament, and all who have not an Act specifying that go to arbitration.

930. You propose that where a private party is supplying a town without an Act of Parliament, he shall be compelled to go to arbitration?—He must do so.

931. Then supposing the case of a company who may be supplying a provincial town under a very old Act, and who may have the power of charging 10*s*. a thousand, and who could supply it at a profit at 4*s*. a thousand, how would that company be dealt with, having an Act of Parliament?—If that company has not come under the provisions, limiting its profits, and providing for a reduction of its rates, that company also would, under these clauses, be obliged to go to arbitration. There is no option.

932. I believe that under the Gas Companies Clauses Act the ratepayers have the power of instituting an inquiry as to the amount which has been received by the gas companies, and seeing whether, after getting the dividend which they

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are permitted to obtain, the surplus has been used for the purpose of reducing the price of gas, or whether it has been used improperly?—It is so.

933. How would you provide for that sort of supervision on the part of the ratepayers which would be necessary if clauses of this kind are introduced, because otherwise, cases of this kind might occur, that a company might be limited to eight per cent., and that the surplus fund ought to go for the reduction of the price of gas; but the company, unless they are under some surveillance, may lay out the surplus sum in the construction of new works, or in other matters, or in a bonus; now how would you provide for that supervision which is given by the Gas Companies Clauses Act to the ratepayers?—The supervision being given by the Gas Companies Clauses Act, that would apply to the great majority of cases, and I am not aware, and therefore I could not venture to say, that Acts may not have passed which do both limit the profits to be made and provide for the reduction of the rate, without bringing them under the Gas Companies Clauses Act, and without a provision for surveillance. But it would be perfectly reasonable that such surveillance should be applied to such companies, and that would be done here by stating, that if such a clause as that (mentioning the particular clause in the Gas Companies Clauses Act) does not apply to such company, it shall be held from the time of the passing of this Act to be applicable. That would be perfectly reasonable. With regard to gas, I may also call the attention of the Committee to the question of price as regards companies who have incorporated the clauses of the Gas Companies Clauses Act. The question has been raised whether it is reasonable that the public lamps should be furnished at the same price as is charged to private consumers. Now I think the Committee will see in a moment, that in those cases where the public lamps are charged much lower than the charge to the private consumer (I know a case in which the gas is supplied to the public lamps under prime cost), the effect of that is to make the private gas consumer pay what ought to be paid out of the public rates. The supply of gas to the public lamps is a public benefit to a man who does not use gas himself, and who pays for it in the rates. If you unduly reduce the price for the public lamps so that there is a loss upon them, you are throwing that loss not upon the rates, but upon the other gas consumers; so that it would be an injustice to the private consumer, that the lamps should be charged at a lower price than he himself is charged.

934. Are you instancing a case of this kind, where the local authority, from a desire to keep down the rates upon the inhabitants, shall make an arrangement with the gas company by which the public lamps shall be lighted at a comparatively speaking small cost, and then, in order to pay the gas company, shall put the charge upon the private consumer?—Yes; and even where the contract is with a gas company, the private consumer has the prospect of having his gas reduced after the company has made a certain profit, but if the public lamps are charged at an unduly low rate, it is depriving him of that advantage. It may relieve the public rates, which pay for the lamps, but it deprives him of the prospect of obtaining a reduction; and so he, as a private consumer, is made to pay a higher price, in order that the public may have the lamps lighted at a lower price.

935. How do you propose to meet that case?—I meet it with the provision in this clause, which says that the lamps shall be furnished at the same price as the lowest price to the consumer, which seems perfectly equitable.

936. How would you manage that in this respect: I believe that, generally speaking, the public lamps are paid for at a price per lamp, and that the gas which is consumed by the private consumer is paid for by the thousand feet; how would you work that, so as to get an equal price charged for the public lamps to that which is charged to the private consumer?—That is worked in every place where lamps are supplied; it merely requires that a meter should be applied to one, two, or three lamps for a certain period; they learn immediately how many thousand feet they furnish; every gas company, when they furnish lamps, always tests the burners, because there are certain burners which will consume twice as much gas as others; they therefore test the burners which the town or the district adopts, and charge their price accordingly, so that, although it is nominally a lumped price, it is really regulated by the thousand feet.

937. You think there would be no difficulty in regulating that?—Not the slightest;

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slightest; any gas engineer will in 24 hours tell you how much any lamp consumes.

938. Mr. *Wilkinson.*] Is it not the fact that burning by meter and burning by lamps co-exist almost everywhere where gas is used?—Yes.

939. *Chairman.*] Are there any other points with regard to the water or the gas companies that you wish to bring before the Committee?—I think I did not read the end of paragraph 3: "In case any difference arises whether the gas which any company or person is willing to supply is available within a reasonable time, such difference shall be settled by arbitration in the manner provided by this Act, and the award shall prescribe the time within which such supply shall be furnished;" and in paragraph 5, the like insertion of the words "by agreement," when it speaks of buying the gasworks, as I propose to be inserted with respect to water.

940. What other points are there, to which you desire to direct the attention of the Committee?—With regard to canals and navigations. The canals and navigations are alarmed at the 20th section of the Bill, as it appears in the reprint. It is in the 23d and 24th sections of the original Bill. The 24th section says, "Upon the adoption of this Act by any place whatever, all provisions contained in any Public Local Acts in force within such place, that are inconsistent with the provisions of this Act, shall be repealed, but such repeal shall not affect any rights already existing or accrued, or any remedy for enforcing the same." Now, the repeal of all Acts that are inconsistent with the provisions of so multifarious an Act as this, is one of the most sweeping propositions that, perhaps, was ever made in the way of legislation. I have it here in the reprint of the Bill, and it may be convenient to read it as reprinted. In paragraph 2 of the 20th section of the reprint, it says, "All Public Local Acts, and provisions in Public Local Acts, and all charters, customs, and bye-laws inconsistent with this Act, or the adopted provisions thereof, shall be repealed." Now, the same fault applies to that clause, that it repeals everything that is inconsistent with this Act, or contrary to the provisions thereof. You do not therefore know to what possible extent that may go; and I am sure the Committee will bear with me, when I say that it is quite impossible for Parliament to pass an Act in such terms as these. There is a definition given of a Public General Act, in the definition clause, in page 2 of the reprint of the Bill, which is intended to narrow it: "The term Public Local Act shall mean any Act having relation to any of the purposes of this Act, and not being an Act conferring privileges on companies or individuals for their own benefit or profit, including an Act passed in the 4th year of the reign of his late Majesty King William the Fourth, chapter 90, and intituled, 'An Act to repeal an Act of the Eleventh Year of his late Majesty King George the Fourth, for the Lighting and Watching of Parishes.'" Now, there are many Public Local Acts, particularly all Improvement Acts, which do not confer privileges upon individuals, and yet under which individuals do obtain most important privileges, and make purchases, and gain rights; those words should be enlarged. In addition to conferring privileges, it should be said, "or under which any such rights or privileges are derived," because the Act does not confer a privilege; but the Commissioners appointed by the Act may sell property and give rights, or sell lands subject to certain privileges. Rights of property and rights of convenience are extensively given by public commissioners; and therefore, although these rights are derived under the Act, they are not strictly conferred by it. Perhaps I may be allowed to suggest to the Committee a modification of that paragraph 2 of section 20, that instead of the sweeping repeal of "all Public Local Acts inconsistent with this Act," it should be worded thus, "All provisions in any Public Local Acts, and all charters, customs, and bye-laws, which confer power on any local authority to obstruct the execution of this Act, shall be repealed;" because then it would merely fall upon the head of commissioners who have power, for example, to prevent any persons from constructing sewers, and such matters.

941. What is the next point you have to mention?—Then in the third paragraph it now stands, "In cases where any powers and privileges relating to the purposes of this Act, or to the adopted provisions thereof, are by virtue of any Public Local Act in force within any such place as aforesaid, vested in any local authorities, such powers and privileges shall be transferred to and vested in the local Board of Health of such place." Now the definition there relating to the

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purposes of this Act is so excessively loose, that it will be difficult to conceive a legal construction to be put upon it. I would propose to strike out the words "relating to," and to put in the words "for effecting any of the purposes of this Act."

942. Mr. *Adderley*.] Then you propose that in any place where this Act is adopted, having a local Act, the local Act shall survive, and run concurrently with this Act, except in cases wherein the executive power of the one might interfere with the other?—I think so. It strikes me that it would be far more convenient that each locality having its own Acts before it, and parties interested in them, who are aware what they contain, should send up to the general Board a scheme for the revision of their local Acts, which scheme should be published in the ordinary course, and ultimately confirmed by Parliament in the Annual Act of the Board of Health, rather than that any sweeping legislation like this should be attempted. The Committee are, no doubt, aware of the extreme complication of local Acts. The complication is so great as not merely to be embarrassing to the local Boards of Health, but also to be of infinite importance to all the inhabitants. For example, a gentleman is secured under a local Act from the invasion of his property in any way disagreeable to him; a canal company is secured in certain interests essential to its navigation; various private interests are created throughout the Acts. You cannot deal with those cases by sweeping legislation; each locality must send up its scheme of revision, and this being laid before the Board, the Board will publish it; the Board will hear private representations respecting it; the Board will have to lay it before Parliament in their Annual Act for confirmation, and if parties are very much aggrieved, they will have an opportunity of appearing before Parliament and making known their case.

943. Mr. *Egerton*.] In the event of the parties not making application for a revision of the scheme, you would leave it intact?—Yes; if public inconvenience arises they will be ready to propose a scheme and make a representation; if there is no public inconvenience, *cadet questio*.

944. *Chairman*.] What you would suggest is, that where local Acts exist, and it appears to persons living in a locality, and interested in the locality, that parts of those local Acts ought to be repealed or altered or modified, in case the Public Health Act should be adopted, those parties who may entertain that opinion should communicate with the General Board of Health, and send up a scheme for the alteration or the modification or revision of those local Acts; and that then the General Board of Health should, if they approve of the suggestions which have been made by the local authorities, make a provisional order, and transmit it for the consideration of the locality; and that then they should insert that provisional order, if it should be approved of by the locality, in one of the annual Bills, and that then it should undergo the consideration of the Legislature before any alteration or modification should take place in the local Acts which have been acquired by the neighbourhood?—That is precisely the plan I would suggest; and I confidently think that such a plan as that is practicable, and is the only plan that can be applied to the country generally with safety; these general clauses repealing those Acts, of course, should be taken out of the Bill.

945. Is there any other point that you wish to mention?—Assuming that the clauses repealing those Public Acts are expunged, and that the transfer is limited to the powers given for effecting the purposes of the Act, then the only thing that would remain to be objected to on the part of canal and gas companies, and mills and others, is the general sweeping power taken in this Bill to take away property. Now, that power, standing as it does in the Bill, is put into the Bill without even the limitations or restrictions which were inserted in the original Bill of Health of 1848; so that, as the Bill contemplates sewage and water supply, and the formation of parks even for the recreation of the lower orders, the powers of the Bill would extend to all those purposes. There is no property of any gentleman, of any company, or any interest, that is safe from the provisions of this Bill: but any part of any property may be claimed by an application to the quarter sessions for compulsory powers to take it for the purposes mentioned in the Bill. Now as regards the canal companies, and bleachers, and millowners, on whose behalf I am now speaking, they feel that to leave such a power as this in the hands of a local Board, or even in the hands of the court of quarter sessions, is contrary not only to the practice of Parliament and of the country hitherto,

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hitherto, but absolutely contrary to what they consider to be their own safety; for whilst they have every confidence in the discretion of Parliament in conferring compulsory powers of purchase, they would not have the same confidence in a body like the quarter sessions. I am sure it will be felt by the Committee that the quarter sessions has not that permanent character which is required for this purpose; the magistrates would not choose to sit there from day to day for a week or a fortnight investigating an intricate question of the whole arrangements of a parish, in order to determine whether it required such property to be taken or not; it is not a thing that you could expect from such a tribunal; and if they did sit upon it it would certainly not produce in the public mind the same satisfactory result as if the matter came before Parliament. I am addressing myself to what has fallen from the Chairman as to the chief object of the Bill; it does appear to me that you might strike out the whole of these compulsory clauses as they stand now, and let the same course be taken with respect to any property which is wanted to be taken by compulsion, which I have taken the liberty of suggesting might be taken with regard to the revision of Acts of Parliament; let the locality propose a scheme to the Board of Health; let it specify by schedule the property, and serve notice upon the parties; let the matter be considered by the Board of Health, and embodied in a provisional order, and published, with notice, to the neighbourhood, to be ultimately confirmed by Parliament. By that means, if a party were very much aggrieved with regard to his property he would come up to Parliament and try to get his property excluded from the Bill; and if he be not very much aggrieved there is no expense thrown upon the township, and it is put in the annual Act passed by Parliament without any expense or trouble; but it still keeps in the hands of Parliament the power of saying whether the property of the subject shall be taken away by compulsion without throwing any great burden upon the community.

946. The effect of your proposition would be this, that parties might agree upon a scheme in the locality, which should be suggested to the General Board of Health, and that the General Board of Health should then have the power of inquiring into the desirableness or otherwise of the scheme; and if eventually it should be agreed by the locality and by the General Board of Health also that it was a scheme that was worthy of adoption, it might be inserted in the provisional order, and become part of the annual Bill which is submitted to the Legislature; and then the Legislature would decide upon the propriety of carrying out the scheme which had been suggested, in the first instance, by the local authority, and secondly adopted by the General Board of Health?—Just so. That scheme would be confined to the taking of property by compulsion. If it does not involve the taking of property by compulsion, an application to Parliament would not be necessary; but by that process the locality would have the power of taking by compulsion whatever was necessary for the purpose, and did not inflict too great an amount of personal grievance without Parliament foregoing that which it has so jealously retained in its own hands hitherto, the power of taking the property of the subject by compulsion.

947. Mr. *Irton.*] According to your scheme the power of taking by compulsion would have to be inserted in the Schedule?—It must be inserted in the Gazette, and notice served upon the parties. What would be avoided would be the expense of a separate Bill. All the orders and fees of the House and the employment of agents, and so forth, would be saved to the locality, and at the same time any party whose property is going to be taken would have an opportunity of appealing to Parliament if he objects.

948. *Chairman.*] You are aware that under the Water Companies Act of 1852, a power is given to the Board of Trade to send a person to make inquiries and to decide to a certain extent upon the source of supply, and other matters essential to those water companies; would there be any objection to such a course as this, that where the local authority shall have submitted a scheme to the General Board of Health, and it shall have been approved of by the General Board of Health, in cases where land is to be taken by compulsory power, the Board of Health should have power to send down a properly qualified person to the district, to determine upon the propriety of the local authority taking land or other property by compulsion, and that that decision should be final as regards the local authority and the party whose land is to be taken, the same notices having been given as those which you have suggested in reference to the scheme

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you proposed?—Speaking from considerable experience, I think that would not be satisfactory. No local inquiry conducted by any individual unknown to the neighbourhood, as he ought to be if he is to conduct the inquiry impartially, would be satisfactory to a person who felt the taking of his property a great grievance. But if you give him an opportunity of coming to lay his grievance before a Committee in Parliament he is perfectly satisfied. If the Committee say it is to be given up, he is perfectly satisfied; but nothing less than that will satisfy a man who thinks himself aggrieved by the taking of his property.

949. If the suggestion you first made was carried out, would not the effect be this, that there would be a debate on the scheme in the House of Commons, and that the decision would take place by discussion in the House of Commons, instead of taking place in the Committee-room where witnesses were examined?—No; the Bill must be referred necessarily to a Committee, if it was opposed upon private grounds; but the effect would be, that there would be sitting once a year a Select Committee upon the annual Public Health Bill, and that all parties who had complaints to make about their property being taken would come to that Committee to make their complaints.

950. How would the expense be diminished by that process?—The expense would be diminished by the saving of so many separate Acts of Parliament, commencing with the notices in the newspapers, and carried on by the introduction of a Bill. It would save all the fees of the House, and all the expenses of agents and professional men employed in the course of it. The simple expense to the township would be the bringing up from the place of the witness or witnesses to prove the necessity of taking the land; and all the expense to the other party would be that he must come up to prove his case against the township, if he thinks it a sufficient grievance. But all the other expenses would be saved. The expense of the Committee would continue. You cannot give an opportunity of investigation without the expense of the Committee, but all the other expenses would be saved entirely; the fees of the House, and of the agents, and other expenses attending the introduction of private Bills.

951. Do you mean that parties whose lands are proposed to be taken shall appear by themselves, or their agents, or that they shall appear by counsel?—They must have an opportunity of doing which they please; some will take one course, and some the other, according to the magnitude of the affair. In 99 cases out of 100 there would be no appearance.

952. Mr. *Egerton.*] There would be only very few opposed cases where the individuals felt strongly?—Exactly.

953. Would you have all those cases in which any person objected to a scheme, referred to one Select Committee?—I believe that these local schemes would be of such circumscribed extent, that it would not be found to be at all an onerous duty on the part of one Committee to undertake the investigation of all the cases. It is not like cases fought between rival companies who have great funds to carry on the war with. Something is wanted for a reservoir; something is wanted for streets; something is wanted for the construction of sewers; a gentleman says, "You are infringing upon my property when you can get it made in another way." If it is a very slight grievance the man will bear it; if it is a very serious one, a very great injury to his property, he will come and represent it.

954. In each case you would throw the expense of supporting the claim upon the township?—Of course; but the expense, as I have explained, will be comparatively slight; nothing like the ordinary expense of introducing a Bill into Parliament, or opposing a Bill through all the stages. The gentleman himself who opposed must be at the expense of bringing his witnesses up, and employing his agent, and the grievance must be sufficiently great to induce him to do so. I speak from experience upon this subject; and my experience of a great many years' standing is to the effect, that all public inquiries made through the Admiralty and through the Board of Health, are quite unsatisfactory to the parties. I speak most candidly when I say, that I never knew the result of any of those local inquiries at all satisfactory to the parties. It has been a struggle who can make the best appearance before the inspector, but they both of them know that it is not the end of the chapter, therefore they are never satisfied with it. As regards private disputes, a jury is what an Englishman respects, and he is satisfied with the result. As regards the taking away his property without his

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leave, he expects Parliament to decide upon it, and any other tribunal would be unsatisfactory.

955. *Chairman.*] Supposing this Act should pass in an amended form, and that the local authority should desire to pass pipes through the private property of any person (however large or small that property may be) who is inimical to the views of the local authority, what is the course that you would suggest should be adopted, beginning with the difference which exists between the local authority and the party whose land is to be taken, and carrying it on until it is brought up to Parliament for final decision?—It would be this. An application is made to allow pipes to go through the property; the party refuses it; the local authority must then make a representation to the General Board of Health that they consider such a power as that essential to the completion of their sewage or other works; and the General Board of Health sends notice to the private party who has received such application. It is then open to explanations; the party comes up, and makes his own representation to the Board of Health; if the Board of Health still thinks it proper to sanction the application of the local Board, it will embody it in a provisional order served upon the party; then no more is heard of it till the Bill comes into the House; then the party presents his petition to the House, complaining that his property is going to be taken unduly, and praying that he may be heard by himself or his counsel and witnesses before the Committee. The Bill is referred to a Select Committee to examine into the case; the case is heard before them; the township, on the one hand, supporting the necessity of their case, and the individual, on the other hand, making the best case he can in opposition. The expense only begins there where it ends, namely, in the attendance upon the Committee to whom the Bill is referred. It is not like introducing a Bill which has to pass through all its stages, the first reading, the second reading, the fees of the House, and the notices in the newspapers; all those things are avoided.

956. When you say that the local authorities shall communicate with the General Board of Health, if a difference exists, would you object to the General Board of Health sending down an inspector to the locality to make an inquiry into the circumstances of the case, and so reporting to the General Board of Health; or would you desire that the parties should appear before the General Board of Health to state their case?—I think the expense of an inspector may very well be saved; it is most desirable that it should be saved both to the Board of Health and to the parties themselves. I think that if the Board of Health gave notice to the individual that an application was made for a provisional order, the party would come up and make such an explanation to the Board of Health as was requisite upon the subject, and the Board would decide whether it should be carried on. If an inspector is sent down, and a court is constituted, witnesses summoned, and a trial takes place in the country, as much money would be spent as would be spent in Parliament.

957. The local authorities would, of course, be obliged to send up plans and sections where levels are required, to the General Board of Health, for their inspection and approval?—Just such particulars as would enable the Board of Health to understand what they wanted. But the essential difference between the two plans is just this: in the case which I have suggested the party has not his property taken without the assent of Parliament.

958. Do you believe that in case such a scheme as that was adopted, the parties, where the sum to be paid for their land might amount to a comparatively speaking trifling sum, varying from 10*l.* to 200*l.*, or 300*l.*, might often be able to settle their differences without even coming before the Committee, which you have suggested?—The Committee will see that the case would not come to trial before a Committee of Parliament till all the local influence had been exhausted. For instance, a gentleman whose land is to be taken, ten to one is a ratepayer; he has his friends and local interest in the place; he makes his struggle before the local Board, before it goes further, and nine cases out of ten would be settled in that way, and very few cases would come before Parliament. But bearing in mind the rule which Parliament has laid down, of never taking a man's property without his consent, you are by this plan keeping it in the hands of Parliament; and, at the same time, you are giving the man a practical appeal.

959. That which you have suggested, I presume, applies chiefly to gas-works and waterworks, and other works of that character. Now take a case of this kind, where a very small piece of ground, perhaps not more than half a perch,

perch, may be required for the purpose of running a line of road through it, or for the purpose of carrying a drainage through a town or out of a town; would there be any objection to the local authority taking an easement of that land for the purpose of making the drain, without taking the fee of the land by a compulsory power, so as to prevent the party from building over it at any future time? —It is impossible in any General Act like the present, to confine the compulsory power within such limitations as would be safe in each particular case; you cannot define upon the face of this Bill that which would be safe either against an individual or against a company; for instance, a sewer might go through the cellar of a gentleman, and he might say, "There is no reason for this; if you will go a hundred yards round, you have no occasion to come through my cellar." So it may go through the lock of a navigation company; they may say, "You are destroying our trade, you must take it round;" and there may be a dispute; the obstinacy of the Board on one hand, and the interest of the party on the other, might bring it to a crisis. I am sure that you cannot, by the most skilful penmanship applied to a public Bill, satisfactorily define the limits within which you will give compulsory power to the local Board. As to the question what the local Board will be, perhaps the Committee will allow me to say a word upon that by-and-by; but I may assume at present that there may be local Boards with narrow minds and strong prejudices acting against an individual.

960. Mr. *Irton.*] You think that no compulsory power given to any public Board would be satisfactory to the public at large without a final appeal to Parliament? —That is my strong conviction, founded upon lengthened experience.

961. Mr. *Wilkinson.*] At all events, you think that by the plan you propose you would have only one Act of Parliament and one Committee instead of a dozen, and at the same time you would preserve the rights of private individuals? —Yes, quite so.

962. And you believe that the expense of defending individual rights of property in any case which might arise would be a sufficient guarantee against any vexatious opposition?—I am quite sure it would; and I am also sure of this practically, that if the local authorities know there is an ultimate appeal to Parliament, they will never attempt any injustice against an individual.

963. Are you aware that the plan you propose now is very much akin to the system which exists in France, which is called "L'expropriation pour cause d'utilite publiqué"?—Yes, I am aware that they have a similar plan in France.

964. *Chairman.*] Is there any other point to which you desire to direct the attention of the Committee?—A point which I have to ask on behalf of the canal companies, and millowners, and the streams of water companies is, that they shall have a similar clause to that given in the 145th section of the Bill of 1848. There was a saving clause which overrode the whole of the provisions of the Bill; it is the 11th & 12th of Victoria, chapter 63. The clause was as follows: "Be it enacted, that nothing in this Act shall be construed to authorise the local Board of Health to use, injure, or interfere with any sluices, floodgates, sewers, groynes, sea defences, or other works already or hereafter made under the authority of any Commissioners of Sewers appointed by the Crown, or any sewers or other works already or hereafter made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating lands, or to use, injure, or interfere with any watercourse, stream, river, dock, basin, wharf, quay, or towing-path, in which the owner or occupier of any lands, mills, mines, or machinery, or the proprietors or undertakers of any canal or navigation shall or may be interested." This general saving clause, which was in the Public Health Act of 1848, is not inserted in the present Public Health Act; and it seems reasonable that works constructed at such enormous expense as canal and other similar works, should have a special preservation. As regards taking the water, it is essential that their rights should be preserved. Again, as regards interference with bridges, their rights should be preserved, because if you lower a bridge you stop their navigation. Boats cannot get under it. Again, with regard to locks, and banks, and other things over which the Bill, as printed, gives absolute power to the local Board, there must be protection as to all those things. They have in their various Acts the rights of passing streams, and running their water across

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the sewers of towns, and other rights committed to them, which are essential to the enjoyment of the navigation, and which ought to be preserved.

965. Will you read the clause which you would propose on behalf of the millowners?—The clause proposed by the millowners is, "No power given by this Act shall, either with or without the sanction of quarter sessions" (of course those words would be struck out if the Committee were minded to take that away), "be exercised in such manner as to injuriously affect the supply or quality of water contained in any reservoir or stream, in any feeders of such reservoir or stream, in cases where any company or individuals are entitled, for their own benefit, to the use of such reservoir or stream, or to the supply of water contained in such feeders, for the purpose of any mills, mines, print-works, bleach-works, or other trade purposes, without the consent of the parties so entitled to the use of such reservoirs, streams, and feeders, and also of the owners thereof, in cases where the owners and persons so entitled are not the same parties."

966. Such a clause as that which you have read you think would be satisfactory to the millowners interested in those works?—I think so.

967. Reserving the further consideration of the case of the canal companies to another day, and in the meantime requesting you to look at the clauses as they are proposed to be amended with reference to them, are there any other points to which you desire now to direct the attention of the Committee?—I have professionally no other matters upon which to trouble the Committee; but perhaps generally I may be allowed to call the attention of the Committee to the scale of voting in the Bill, and the consequences of adopting the scale which is laid down here. I take it, by the construction of this Act, that every ratepayer is to be an elector. The Committee have probably considered the effect of that upon the constitution of the local Boards. It is well known that if the voting is only by head, the lowest class of occupiers will be entirely supreme in the constitution of the local Boards.

968. Why so?—The number of individuals who have property above 10*l.* (I have not the returns with me, but I remember them) were shown to be, I think, in the proportion of only one to three, or something like that, as compared with those who have occupations under 10*l.*; that appeared in the returns which were obtained by Lord John Russell upon the subject of his Reform Bill, and it will be obvious to the experience of every member of the Committee, that the number of occupiers of the lowest class will be greater in the proportion of two to one than of the occupiers of the higher classes put altogether; and speaking practically, from my observation of the working of the present town councils, who are elected upon the same footing, the effect is, according to my own judgment, in the majority of cases, not to elect the parties most competent to govern the local affairs of the town or district, but rather to choose those who happen at the moment to be popular, without regard to their interest or standing in the place.

969. That is, you would desire to have plurality of voting rather than single voting?—There is already adopted, as the Committee are aware, in the case of Mr. Sturges Bourne's Act, a certain scale of voting. But even that scale of voting still leaves a preponderance of power in the hands of the lower voters; and as this is a general scheme for the whole country, involving a charge upon all property for rates to support and carry on the several purposes of the Public Health Bill, it would appear that, in proportion as property is to be charged, so it should be represented, and that it would not conduce to the healthy working of local government that the power of that government should be conclusively put into the hands of the lowest classes.

970. When you say that it is a scheme for the whole country, you are aware that it is a scheme, the adoption of which depends upon the determination of the localities?—The adoption would be optional under certain circumstances; but under other circumstances it can be compulsorily established at the will of the general Board.

971. That is in case of great mortality?—In case of great mortality. With respect to the scale of mortality put down in the Bill (it may be varied in its progress through Parliament), it is such, that I believe every populous town within the kingdom would come under that scale.

972. Mr. *Irton*.] You think the scale too low?—I think the scale of mortality is too low as it stands here, and that it ought to be raised; but what is the most

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important thing, as it appears to me, is, that you are now legislating for the local government of the whole kingdom; it may not be applied to the whole kingdom in a single year, or in a single ten years, but you are laying down the platform of representation of local government; and it is the most difficult, if not the most dangerous, thing in the world to change it after it becomes extensively established; and therefore it is important to look at it as matter of business and matter of experience to see how such a system will work.

973. *Chairman.*] I understand you to propose to do away with the state of suffrage which exists now under the Municipal Corporation Act, and to establish a new one for the purposes of this Act?—I propose that you shall not keep, for this purpose, the suffrage that is established under the Municipal Act.

974. Under the Municipal Act you are aware that there is single voting?—Yes.

975. Under Sturges Bourne's Act there is plural voting?—Yes.

976. You wish to substitute plural voting for single voting; but, if I understand you rightly, you think that the plurality of voting provided for under Sturges Bourne's Act is not sufficient to meet the case?—I think it is not.

977. Then would you give a greater proportion of votes than is given under Sturges Bourne's Act, to persons having property?—I think it would be safe to follow that which is extensively acted upon now in cases of property of a most valuable description. Take the case of railways: there property to the amount of millions upon millions is governed practically by the majority in value of the possessors of the property. There is a certain scale of voting adopted in those Acts, which gives, I think, about 20 votes for the first hundred, and after that five votes for every other hundred; but that is fast passing away, and the companies are adopting the simple rule of the majority of interest guiding the policy of the property. In this case, if the Bill passes as it stands with the single vote of the ratepayer, it will have the effect of putting the whole of the local government of the kingdom from end to end into the power of parties who occupy with a lower rental than 10 *l.* a year. Now I do not say that the Bill will be universally applied immediately, nor do I say that those parties will in every locality use the power which they possess. But, looking at the results of the Municipal Corporation Act, you see in five cases out of six that that is working in a manner which places not the most intelligent and not the most influential parties in the government of the corporations. It is a matter of less consequence as regards municipal corporations, because their powers are extremely limited. But here you are constituting a body which will manage every local affair within the kingdom, and it is most important that you should see that the parties to be elected into that body are likely to be men of business, men of station and standing, who will conduct those affairs with discretion and satisfactorily to the country.

978. According to your opinion, would it not follow that if a person voting for a Member of Parliament has 10,000 *l.* a year, he ought to have a much greater number of votes than a person who has 10 *l.* a year?—If you apply the same principle it would come to that; but there are a great many circumstances connected with Members of Parliament which effectually prevent the mischiefs that might otherwise arise out of that state of the law. In particular localities, which may be more or less circumscribed, parties are continually struggling to get the management of the local affairs. If you put the management into the hands of the lowest rate-payers, as is the fact now, there are not, perhaps, ten municipal corporations in the kingdom in which you will find the gentlemen of the place or the leading and most intelligent inhabitants of the place taking their part in that body and conducting its discussions. As a matter of practice, and of experience, you will find that to be the case. It is not an atmosphere in which it is found that such persons can stay.

979. Mr. *Adderley.*] Have you any scale of voting to propose for this purpose?—I would venture to suggest that if the Committee do not think it well to alter the scale of voting beyond Mr. Sturges Bourne's scale, they should allow the principle of property to check the action of any local Board. For instance, if the number of votes taken personally would carry anything by a majority, I would suggest that it shall not avail unless it carries also with it three-fifths of the property represented at the meeting.

980. *Chairman.*] How would you provide against this anomaly. Under the Bill the town council is to be the local authority for carrying out the pro-

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visions of the Act, and they will be appointed under the suffrage which is provided by the Municipal Corporations Act; but if there is no town council, or if there is no Improvement Commission, then it is provided by the Bill that there shall be single voting, that is to say, each ratepayer shall vote; but you would propose to throw over that proposition, and to say that there shall be plural voting. Therefore there would be this contradiction, that whereas where there is a town council or a Board of Commissioners elected under the local Act there may be single voting, you would establish a Board in cases where there is no such body in existence, which should be constituted under plural voting?—That difficulty is founded upon the assumption that the Board of Health and the town council must be the same body. The Bill, as now proposed to be enacted, is proposed to be launched upon the country as an experiment, or as an arrangement for local government; but I only refer the members of the Committee to the fact, which must be patent to every one of them, that the experience of town councils does not present to us, in point of station, in point of intelligence, and in point of the power of the management of business, any pattern which it is safe to copy and apply universally to the management of all the local affairs of the kingdom.

981. Mr. *Irton.*] How is the voting under the Poor Law?—By plurality of votes.

982. Mr. *Egerton.*] Do you know the way in which they elect the guardians under Sturges Bourne's Act?—I think that is done by plurality of votes.

983. Mr. *Wilkinson.*] Do you know what the scale was under the Public Health Act of 1848?—I believe that was the same as under the Poor Law.

984. Mr. *Greene.*] Inasmuch as the measures contemplated by this Bill will effect a permanent improvement in the property, has it ever occurred to you whether the rating should be upon the owner rather than upon the occupier?—There are certain matters which ought to be put upon the owner; all monies laid out in the way of capital in the construction of waterworks or gasworks, or any works bringing in a return upon the money laid out. It would be extremely hard, for instance, if a town council erect waterworks, and lay out 20,000 *l.* in their erection, charging, as they must do by this Act, the public water-rates in repayment of the outlay, that the occupier should pay the first capital, and then pay the rate afterwards. That difficulty is generally met by borrowing the money, and leaving them to pay only the interest of the money as well as the water-rate; but even that is hard, no doubt, upon the occupier.

985. But whether as regards the supply of water, or sewage, or almost any one of the measures contemplated by this Bill, are they not permanent improvements of the property?—No doubt; but with regard to sewage you must take that as it comes. You may borrow the money, and pay it off by instalments, and that is the way in which all sewage will be met; but as to waterworks and gasworks, which ultimately bring back a return upon the capital, it is hard to make the ratepayer pay that; because when the capital is paid off, if you reduce the price of the gas or of the water, the next succeeding occupiers will have it for little or nothing.

986. Would there not be an advantage if you rated the owners only in putting it in the power of the owners, and not the occupiers, to carry out the provisions of this Bill?—If the owners could be represented upon the Board of Health, no doubt it would be of essential benefit in the good management of their local affairs; but there is a danger also in this Bill which perhaps the Right honourable Chairman may not have looked at. Under the old Bill the local parties were obliged to send up their schemes to the General Board of Health for approval; the effect of that was that inspectors were sent down, and some considerable engineering talent was brought to the consideration of those plans. The plan was not allowed to be adopted unless the Board approved of it. Now there were difficulties in that, and it was not fully satisfactory; but under the present Bill the local parties will be left to adopt what plan they please. Speaking upon a judgment formed from long experience of local affairs, my own opinion is, that the result will frequently be that some little man, who happens to be popular with the Board, will be entrusted to make the sewage, entrusted to carry out the waterworks, and entrusted to find the gas, without possessing any competent knowledge of what he is about to do. Whilst you remove the centralizing office of the General Board, you are leaving the locality subject to another inconvenience in the way of very unsatisfactory plans.

987. *Chairman.*]

987. *Chairman.*] Are you aware that what the present Bill proposes is this, that instead of allowing the superintending inspectors, who were the officers of the Board, to enter into contracts, to make plans, and to give estimates, the local authority is empowered to employ what persons they may please for the purpose of drawing plans; but before those plans can be acted upon in any way they must be subjected to the approval of the General Board of Health?—I understood that was intended to be removed. It is also highly desirable, as it appears to me, that the local Board should be compelled to keep a separate and distinct account where they supply a town with water, of the original cost and the annual cost of their water-supply; and where they supply the town with gas, they should give a similar account of the result of that supply of gas, and that the rates upon the supply of water and the supply of gas should be kept down to the actual cost. Because I remember a case which was brought before a Committee in 1852, in which it appeared that something like 15,000 *l.* a year was paid by the Manchester Gasworks over to the general credit of the Manchester Waterworks: so that they made the gas consumers of Manchester pay towards the expense of supplying water.

988. You mean that the accounts of the gas and of the water should be kept separate?—Entirely separate, so as to give every person who desires to have gas an opportunity of seeing that he is not charged more than is requisite to provide the gas; and so as to the water.

989. Lord *R. Grosvenor.*] Have you any opinion to give to the Committee with regard to voting by voting papers, as is done in voting for the poor law guardians, or open voting?—By all means by voting papers; it is far more satisfactory.

990. Mr. *Egerton.*] Have you ever found instances in which those voting papers have been filled up fraudulently?—It may be so; but still that can be corrected. You will never get a tithe of the parish or district to attend at any one place of meeting to vote.

991. *Chairman.*] How do you propose to correct that inconvenience which it is said has arisen in some places of filling up the voting papers improperly?—It would be very easy to devise a check to prevent the fraudulent making up of voting papers; in smaller districts the assistant surveyor himself would do it; in larger districts you must have parties specially appointed for the purpose. But there would be no difficulty in applying machinery for looking to the authenticity of the voting papers; but you never will, for local purposes, practically get the more quiet and sensible people to attend the meetings. The noise and tumult and jargon that go on at those meetings drive them away, and they will not go there.

992. Mr. *Wilkinson.*] So that you get, in point of fact, the votes of the worst instead of the best class?—Always of those who are perhaps least qualified to conduct the business, and particularly if anything becomes a party question; immediately anything becomes a party question there is so much disturbance created by it, that all quiet people retire at once from interference in it.

993. *Chairman.*] Is there any other point which you wish to mention?—Another point is, that if there be a partial supply of water or of gas the Board should be prohibited from paying for that partial supply out of the general rates; because they would be taxing (as is done, I am given to understand, now) the general ratepayers for the supply of a restricted locality.

994. When you speak of a partial supply you mean, that if the supply shall be partial as regards the locality, one part of the district only being supplied and not another, you propose that the particular locality which is supplied shall be charged, and not the whole district, parts of which may not be supplied?—Yes; perhaps the Committee will allow me to make another suggestion with respect to this Bill with relation to water and to gas. It would be perfectly practicable so to frame this Bill as to both enable and induce local Boards where there are not water or gas companies existing, instead of undertaking to construct works themselves by their own agents, to advertise for companies to come in and make the supply in either case, so as to prevent the jobbing that would take place in local works, and at the same time to secure to the public the economy of competition, by means of those who may desire to supply either waterworks or gasworks. There might be provisions in the Bill which might enable the Boards to do that; and in like manner, as I pointed out, that compulsory powers might be given without bringing in a special Bill for that

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that purpose, so there might be powers in this Bill to enable a local Board to constitute a gas company or a water company for the supply of gas or water upon terms to be approved of by the general Board, and to be confirmed by Parliament in the annual Bill; so that all the expense of a Parliamentary application for the establishment of such a company would be avoided.

995. That is, you propose that instead of the local authority itself undertaking to construct those works, they should delegate the power which they may acquire under the general Act to a company, or to individuals; and that having so delegated that authority, that should be entered in the provisional order of the General Board of Health, and that that provisional order should receive the sanction of Parliament?—Yes; in fact, constituting a water company for that town, without the necessity of a special Act; it being done under the special order of the General Board, confirmed by Parliament. It would save the whole expense of an application to Parliament for a Bill, and it would bring in private enterprise to deal with the subject upon terms to be approved of by the local Board, and approved of also by the General Board.

996. The result of your suggestion would be this, that under this Bill, if it should pass, a company might be established without coming to Parliament, and going through the expense of obtaining a Bill further than this, that any such proposal made by the local authorities would be submitted to the General Board of Health, and if the General Board of Health approved of it, it would then be entered in a provisional order to receive the sanction of Parliament, and thereby avoid the expense of coming to Parliament for a Bill?—Yes; I have clauses here which would effect that, which I will leave with the Committee.

[*The same were delivered in, and read as follows:*]

PUBLIC HEALTH BILL.

7 March 1855.

Local Boards supplying water or gas to procure engineer's report.

1. In any case in which a local Board is, under the provisions aforesaid, authorised to undertake the supply of water or gas, they shall, before they proceed to expend capital in the construction of works, procure a report from some competent civil engineer, laying down in detail the plan of such works, with an estimate of the first cost and of the annual expense of maintenance and of working, and of the rates at which the supply will be furnished to the inhabitants, as to private supply, by a per-centage upon the rental value of the houses, and showing the probable net return from such rate of supply upon the capital expended; and the Board shall cause such report to be printed, and notice thereof to be advertised in the local papers, and copies to be furnished gratis to any ratepayer who may apply.

To advertise for tenders for companies.

2. The local Board shall also, before proceeding upon such report, cause advertisements to be in like manner inserted for the space of two or more successive weeks, inviting tenders from private parties or companies for a supply of such gas or water as the case may be, such tenders to contain the like particulars of the works and an estimate of the first cost, the annual expense, and the rates of supply; and the Board shall fix a time and place at which such tenders will be received and opened, and shall cause a summary of the original report and of the several tenders to be drawn up, specifying in each case the names of contractors, the total original cost, and annual expense, and the scale of rates, and such summary shall be sent to every member of the local Board three days at least before any meeting of such Board, to decide upon the construction of works or the adoption of a contract; and even after the local Board shall have begun or have completed any such works, in case they shall be minded to transfer the same to a company, they shall in like manner advertise for tenders for purchase and supply, and shall tabulate and circulate such tenders before meeting to decide on such transfer or sale.

To agree on terms with companies willing to contract.

3. In case the local Board shall elect to accept a contract for supply of water or gas, either originally or after the Board has constructed part or the whole of any such works, they shall settle with the parties contracting, the terms upon which such supply shall be furnished, and such terms shall be submitted for the approval of the General Board of Health, and, subject to such alterations as may be made by such general Board, shall be embodied in a formal contract between such local Board and the contractors forming such company; and so soon as such contract shall have been confirmed by Parliament, the company constituted under or named in such contract shall, unless the same be already incorporated by Act of Parliament for supplying water or gas, become *ipso facto* incorporated under the name to be designated in such contract, and shall have a common seal with perpetual succession for the purposes therein defined, and all the clauses and provisions of the Companies Clauses Consolidation Act, 1845, and of the Waterworks Clauses Act, 1847, or the Gasworks Clauses Act, 1847, as the case may be, save so far as they shall be expressly excepted in such contract, shall apply to such company and to the undertaking, for the carrying on of which such company is incorporated, so far as the same shall be applicable thereto respectively, and such Acts respectively shall be read and construed throughout,

throughout, as if such company were constituted under a special Act of Parliament, and as if the contract constituting such company were such special Act.

Contract to define capital and terms of supply.

4. Every such contract shall define the amount of capital, shall name the first directors, and contain all such other provisions as shall be agreed upon between such company and the said local Board, with such approval as aforesaid.

Separate accounts to be kept in respect of water or gas.

5. In case the local Board shall elect themselves to construct works for supplying water or gas, the account of the outlay, as well of capital monies as of revenue, and the income and receipts in respect of each such work shall be kept distinct from every other account, and shall be so framed as to show the annual net return, if any, upon the capital expended, or the annual loss; and in case the net profits after paying the annual expenses of such undertaking shall be more than sufficient to pay the interest and the annual instalment in repayment of the capital, then the surplus profits shall for that year be carried to the general credit of the local Board, but the local Board shall forthwith, and from time to time, reduce the rates of supply to the full extent of the surplus profits, so as to furnish the supply at not more than cost price, including the instalments in repayment of principal; and the local Board may at any time after such works have been begun or completed, in case they think proper, after such advertisements and tenders as aforesaid, sell and transfer the same to any company, and with the approval of the general Board enter into the like contract, as is hereinbefore specified.

If loss arise, the rates to be raised.

6. In case in any year it appears that a loss arises in respect of any undertaking managed by the local Board for the supply of water or gas, such loss shall for that year be carried to the general expenses of the local Board. But the local Board shall forthwith, and from time to time, raise the rates of supply to the full extent of such loss, so as to cause the receipts from the supply to equal the annual expenses, including the repayment of the instalments of principal.

If loss continue for three years works to be sold.

7. In case any such undertaking shall for three years in succession incur a loss, it shall be incumbent on the local Board to take measures in manner aforesaid to sell and transfer such undertaking to a company upon the best terms that can be obtained.

General rates only to be charged for general supply.

8. It shall not be lawful for any local Board, except in respect of the public purposes hereinbefore specified, to defray out of the general rates the expense of any supply of water or gas which does not comprise the supply of the whole district paying such general rates.

Mr. *Joseph Jones*, called in; and Examined.

Mr. *J. Jones.*

997. *Chairman.*] I BELIEVE you are clerk to the local Board of Health at Derby?—I am.

998. Do you desire to give any opinion before this Committee in relation to the Public Health Bill of 1855?—I do.

999. Will you state what you desire to lay before the Committee?—In the autumn of last year the local Board of Derby were desirous of supplementing the Public Health Act 1848, still in operation, by applying for a local Bill for the purpose of repealing the existing clauses of an Improvement Act obtained in 1825, which they found did not work well with the Public Health Act, and, for that purpose, they made an application to Parliament. It passed the Standing Orders, and the Bill was read a first time. On the introduction of the two Bills now before Parliament, the Board decided on abandoning their own Bill, relying upon the merits of the two Bills, upon one of which I am now about to give evidence. I should observe, that one of the points contained in their local Bill was a very important one; it was for the purpose of doing away with the exemptions from rates under the local Act, and which were continued by the proviso that exists in the Public Health Act in section 88, the effect of which is, that about 3,000 small tenements escape assessment from the general and special district rates, which would make an addition, if rated, to the income of the Board of about 1,000 *l.* a year. There is no reason whatever why those houses should escape assessment; they are a class of houses that are giving as much trouble as any property in the town; it confers no advantage whatever upon the occupiers; but it so happens, that a house let at 2 *s.* 6 *d.* a week rent pays no rates; but if another house pays 2 *s.* 7 *d.*, it will be assessed. We wish, however, to do away with that anomaly; that was one object sought by our local Bill; we confidently hope that the Public Health Bill will give us equality in that respect. We had some little doubt as to the wording of some clauses to which we have drawn the attention of Mr. Taylor. I may say that the local Board of Derby and the town generally are of opinion that such exemptions as these should be done away with. We see no reason whatever for their continuance, and we think that the effect of the clause in the local Act was not anticipated. I am inclined to think that it was intended to exempt houses of 5 *l.* rental; but upon taking the opinion of counsel, we are advised that the word "rent" means

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annual value, and therefore it is applicable to a very large class of houses; some 3,000.

1000. What would you suggest with reference to those small tenements?—I would suggest that certain words contained in section 24 of the Public Health Bill be defined; we have some doubt as to that clause, whether it will not neutraliize the effect of section 118 of the Bill as affecting existing rights. It is there provided, that enactments which "are inconsistent with the provisions of this Act shall be repealed, but such repeal shall not affect any rights already existing or accrued." We are apprehensive that the words "rights already existing or accrued," may be construed to apply to those small tenements, otherwise the general rating clause is satisfactory if it is not acted upon by section 24; section 118, the rating clause, says, that all property assessed to the poor-rate shall be assessed for the purposes of this Act; I should observe that these small tenements pay the poor-rates; there is no exemption in that respect.

1001. What you desire is, that all tenements which are now subject to the poor-rates should be also subject to the rate for the local Board?—We do.

1002. What is the next point?—Whilst I am on the rating I wish to offer another observation; I perceive that in the present Bill, section 118 does not continue the power of compounding with the owners of small tenements; we have compounded with the owners of small property hitherto, and we have found it work rather pleasantly and satisfactorily. If the composition clause is done away with the house-agents or owners will claim for void property; and it will be morally impossible for the collectors to check any claims that may be made in respect of that class of houses, the occupiers of which are perpetually changing. I admit that under the present Act the composition clause was not compulsory, and it seemed to admit that you must consult the owners; but at the outset we compounded with the owners, and no demur whatever was made to it, and the thing has gone on very well; we give them some little advantage, but they pay for the property whether it is occupied or not; and that facilitates the collection of the rates very materially.

1003. Mr. *Egerton.*] Is not that done in most towns?—That is under what is called the Small Tenements Act. But that can only be put in operation with respect to poor-rates with the consent of the vestry. It would not go so far as 10 *l.* houses; it stops at 6 *l.* or 8 *l.*

1004. *Chairman.*] Would there be any objection to levy all the rates under the local Board upon the same basis as the poor's-rate by providing that whatever the basis of the poor's-rate may be, such shall be the basis of rating of the local Board?—As far as assessing or rating goes, I think that would be very fair. I am not quite clear whether the Small Tenements Act as to compounding does work very well in large towns; the adoption of it is optional.

1005. Would not it simplify the matter very much to take the same assessment as the poor's rate assessment, subject to any arrangement that may be made with regard to the adoption of the Small Tenements Act?—It would not be so satisfactory to my mind as the present mode of compounding.

1006. Would not that system which is good as regards the rate for the poor, also be good as regards the rate for the local Board?—Yes, if it be really good, if it is found to work satisfactorily; but I know some towns where they would not have it.

1007. The object of both is to get as much money as you can under the rate?—Yes, and to get it as easily as we can without any inducement to prevaricate or evade the payment; I think the Small Tenements Act is objected to for this reason, that it is said to deprive parties from voting upon church rates and matters of that kind which would not fall at all within our province. It might be left open so that the Board, if they thought proper, could apply the Act. I am willing to leave it in the way you suggest. I hope the Committee will clearly understand that with respect to rating all property, I think it is quite right that we should be in the same position as to rating the small tenements as we are with respect to the poor-rate. But I think the adoption of the Small Tenements Act, or any other mode of compounding with the owners of small property for collecting rates, should be left to the local Board. I should like to suggest, with respect to the mode of making the rate, that hitherto it has been usual for the town to make the general rate half-yearly, which involves a large amount of copying in a population of 40,000 or 50,000, but I wish to suggest that if the local Board had permission to make the rate once a year,

year, and were enabled to collect it by instalments, say not more than four quarterly instalments, or twice a year, that would do away with a large amount of heavy copying which answers no purpose. At the same time the Board might be enabled to make a supplementary rate in the middle of the year, so as to include new property. The plan would be similar to that adopted in collecting the assessed taxes or income tax.

1008. You mean an annual rate to be made, and to be collected as the local Board may determine?—Yes, to be collected by instalments if desired.

1009. What is the next point you wish to mention?—Going back to what we intended by our local Bill, I may state, that we were seeking power to widen some streets, and to make street improvements. We scheduled the property, and deposited the plans and so forth. Having now abandoned our Bill, unless there is a provision in the Public Health Bill we shall be in no position to proceed with any of those improvements. We have found in practice that it has often happened that if the Board have been desirous of making a little improvement, and taking some property, they have been completely thwarted by having no power to purchase compulsorily except by going through the ordeal of coming to Parliament.

1010. Mr. *Irton.*] What would you propose?—We imagine that the incorporation of the Lands Clauses Consolidation Act, or some modification of such a measure, would serve the purpose.

1011. *Chairman.*] You mean a permissive power?—Yes, giving us permission to do it. In the suggestions which we laid before the General Board of Health a year ago we thought that some sort of power should be granted to enable us from time to time to widen streets, as the necessity arises with the increase of population. A third power which we sought by our local Bill was to annex some outlying suburbs to the borough. The fourth leading point in our local Bill was the incorporation of some portions of the Towns Improvement Clauses and the Towns Police Clauses Acts.

1012. Which are provided for by the Bill of this year?—Yes, with the exception that clauses respecting hackney carriages are not introduced, and with respect to public clocks, both of which are important.

1013. Mr. *Adderley.*] Have you any suggestion to make as to incorporating outlying districts?—The manner in which we proposed doing it was by extending the borough municipally; that, I think, is not proposed to be done under the Public Health Bill. I presume that is disposed of. Perhaps the remarks which Mr. Baxter has made to the Committee will apply to some of the observations which I had intended to make upon sections 94, 97, 108, and 140, with respect to matters being referred to the quarter sessions.

1014. *Chairman.*] What is your opinion with regard to the provisions in those clauses?—The local Board at Derby are of opinion that they would operate very unfavourably there; such appeal would be to the borough sessions.

1015. Would there be any objection to an appeal to the general quarter sessions for the county in which the borough or place is situated?—I think the only question would be whether the gentlemen there would have sufficient time to go into those matters.

1016. What is the next point upon which you have anything to say?—I wish to say a word with respect to section 100 of the Bill, paragraph 7, it relates to the water supply. The local Board in Derby have no waterworks of their own; they are dependent upon a private company, and we should not find this a clause which we could enforce, at all events we should find a great difficulty about it. The clause, as retained, states 3*d.* instead of 2*d.* a week. In the first place, we are of opinion that if it stands as proposed, the term "proper supply" should be defined so as to include water-closets for those small tenements, as well as domestic supply.

1017. Supposing power were given to compel the waterworks company to supply upon fair terms water under the provisions of that section, do you think it would be desirable to have a section of that nature inserted in the Bill?—I do. There are houses which I have in my mind's eye, to which we were disposed to apply such a clause in the Public Health Act for sanitary purposes, or rather for culinary purposes. Soon afterwards a difficulty arose, and it appeared necessary to apply the same clause with respect to waterclosets. We found that people had recourse to a variety of schemes to supply the closets by pumps, and to fill the cisterns by hand labour; so that the last state is worse than the first, in many

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instances. There are so many cesspools abounding in the lower class of houses, that it is exceedingly desirable that the term should be defined so as to include both purposes. We find a difficulty under the present Act in applying the clause in this way. It states also in the Public Health Act, section 93, that all water rates shall be upon the annual value; now we find that the water company in Derby, being a modern company, having the Waterworks Clauses Act incorporated, makes its rates upon the rent. We are of opinion, and indeed the Board reported upon the subject some time ago, that in the Waterworks Clauses Act, section 68, the words are plain: it says, "The water-rates, except as hereinafter and in the special Act mentioned, shall be paid by, and be recoverable from, the person requiring, receiving, or using the supply of water, and shall be payable according to the annual value of the tenement supplied with water; and if any dispute arise as to such value, the same shall be determined by two justices." We are of opinion, that "annual value" there cannot mean the rent, because there would be no appeal to the justices upon that subject.

1018. You are referring now to the General Act?—Yes.

1019. We want your evidence now in relation to the Bill of 1855, not with respect to the provisions of the General Waterworks Clauses Act?—I think it should be set out that the water-rates should be made in conformity with the provisions of the General Act; we find it very awkward indeed where the water-rates are made upon the rental.

1020. If the local Board have the power to construct waterworks themselves, they will, of course, levy their rates in the usual manner?—Of course they would.

1021. As we cannot now interfere with any provisions as regards rating, either in the model Act or in any local Act which water companies have obtained, will you confine your observations to the Bill of 1855?—I think that the words "proper supply" should be defined; I should have no objection to threepence a week standing instead of twopence under the present Act, but it should include the waterclosets.

1022. What is the next point?—In sections 117 to 119, and also with respect to mortgages, I perceive that special district rates are to be done away with; general rates only are now mentioned, and power is given to make a general district rate upon a part of a district, or upon the whole of a district. We have borrowed money, and many towns have, upon the mortgage of special district rates. I think it is right that reference should be made to those securities, and that the general rates should be charged with the payment of those loans, by a clause expressly requiring it.

1023. That is, that the rates which are liable now should continue chargeable?—Yes, only no mention is made of such rates. They are merged with general district rates, to which there is no objection, if a distinct provision were made for payment of the borrowed money by such rates.

1024. Mr. *Adderley.*] Are those loans which you have got in process of repayment?—They are in the course of repayment; there is a fixed time for their repayment, not exceeding 30 years.

1025. Under your local Act?—Under our local Act there are also mortgages which we are paying off; they are paid off by ballot under the provisions of the local Act.

1026. *Chairman.*] Is there any other point that you wish to bring before the Committee?—With regard to sections 78, 86, and 95, enabling the local Board to cause private works to be carried out with respect to house-drainage, water closets, and new streets, we have issued a great number of notices under similar clauses in the present Act, and a good deal of work has been done. But in many cases we do not find the work is carried out. A great many privies have not been converted into waterclosets; and we think that if the magistrates had power to inflict a small penalty for neglect after a certain time, it would spur those individuals to do the work themselves; but they leave it to the Board to do, and to charge and recover the money. We often find great difficulty in doing all this as expeditiously and effectually as we desire. If we had power to inflict a small fine, we should get parties to do their own work. Then, I would observe, that under the present Public Health Act, there is a power to prevent noxious or offensive trades being newly established in a district. The power of dealing with offensive trades is transferred to the Nuisances Removal Bill of this year, but there is no clause given there similar to section 64 of the Public Health Act,

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Act, which we find to the advantage of a populous town. There does not seem to be the power of vetoing any such business being newly established, but it is merely proposed to deal with it when established.

1027. Is there any other point that you wish to mention?—We have a remark in our suggestions with respect to fines and penalties. In the course of our experience under the present Act, we have found some doubt arise occasionally as to the application of fines and penalties, and I have drawn Mr. Taylor's attention to it. I would suggest that provision as to the application of penalties be made a little clearer. Then, with respect to private expenses in section 114 of the Bill, this principle is very much simplified, and it will be found, I think, to work very well, and an improvement upon the levying of private rates; but it is not quite clear to me, whether the clause will have a retrospective effect; whether it will apply to expenses which have been already incurred with respect to private improvements.

1028. You observe that in the new Bill it only applies to any expenses not recovered, and yet outstanding?—If a simple form were added as a schedule to the Bill, just stating how this shall be charged upon the property, it would perhaps do away with a great inducement to litigation, and the Bill might thus prevent technical objections being raised if it went on to say that this or a similar form might be adopted as an order from the local Board for the payment of private expenses. Then I would beg to direct the attention of the Committee to section 24, read in connexion with section 21. Section 24 says, "Upon the adoption of this Act;" but I find in section 21, with respect to a borough or corporate district, it is called a "substitution" of the Act. I would suggest whether the word "substitution" should not be introduced in the former clause, saying "substitution or adoption." Then I would just beg to say, with respect to section 134, it says, "shall send a copy of the report to every ratepayer in the district." We thought that would be a very heavy business where there are 10,000 ratepayers or more. If you substitute for that an insertion in the newspapers, there would be no objection to it.

1029. Or that the ratepayers might have copies on applying for them?—That would meet the difficulty; but as it stands it seems to make it imperative to send to them all.

1030. Are there any other material points to which you desire specially to direct the attention of the Committee?—I understand, with respect to the regulations as to building new houses, that clauses 91 and 92 are struck out of the Bill; but we think that the powers under the Act of 1848 are very inefficient.

1031. It is proposed that the local Board shall pass bye-laws, which bye-laws shall be confirmed by the Secretary of State, or the Chief Commissioner of Works, before they are brought into operation; would that meet the case?—Yes, I think it would meet the case. I would observe that the word "house" in the interpretation clause, signifies any building in which more than 20 persons shall be employed. It is in the second clause on page 3, in line 24, "the word 'house' shall include schools, factories, and other buildings in which more than 20 persons are employed at one time." We think it would be better if the word "house" had a less restricted meaning. Suppose a person was going to build a workshop where 10 or 15 people were to be employed, and he should not pay attention to ventilation and so forth, we should feel that we could not apply the provisions of the Act as to new buildings; he might take advantage of this interpretation clause, and not give notice of his intention to build. We do not see why the term should be limited to upwards of 20 persons.

Mr. *Francis Francillon*, called in; and Examined.

Mr. *F. Francillon.*

1032. *Chairman.*] FOR whom do you appear?—There was a small part of the inhabitants of Neithrop and Grimsbury, part of the district of Banbury, who met on Thursday last, and they authorised me to proceed to town to support the following clause: "The rates leviable within the district of Banbury (that is, the borough of Neithrop, with its hamlets in the county of Oxford, and Grimsbury and Nethercote in the county of Northampton) shall not, inclusive of all highway rates, in any one year exceed in the whole the sum of 3*s.* 6*d.* in the pound upon the net annual value of property within the corporate part, or the sum of 2*s.* in the pound upon the net annual value of property within the non-corporate part, excepting woodlands, market gardens, or nursery grounds, canals, or rail-

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ways: and as to such excepted property, the rates, inclusive of all highway rates, shall not exceed in the whole the sum of sixpence in the pound upon the net annual value thereof."

1033. What you desire the Committee to do, is to pass a clause which shall preserve a clause which exists in the local Act?—Yes.

1034. What is the substance of the clause?—The substance of the clause is this, that houses shall not be rated at a higher amount than 2*s.* in the pound, including all highway rates, and that land shall only be rated at sixpence.

1035. You desire, in point of fact, that land shall be rated at one-fourth the rate upon houses?—Yes; that it shall not exceed sixpence in the pound for every kind of rate which may be levied under the Public Health Act. It was a solemn bargain made at the time with the Board of Health, and with Parliament, under which we consented to come under the provisions of this Act.

1036. Are you under the provisions of the Public Health Act now?—Yes.

1037. And this clause was confirmed then?—Yes.

1038. By a provisional order?—By a clause in the Act of Parliament.

1039. What is there in the Bill of 1855 which induces you to suppose that the provisional order under the Act of 1848 would be upset?—I have read the Bill through, and I cannot see but what the local Board will have power to make unlimited rates.

1040. Then what you desire is that the provisional order should not be interfered with?—Yes; I would observe that the district consists of the Borough of Banbury, with 4,000 persons, and a surrounding district of 5,000, and that the two will not work harmoniously at all together. It appears to me that the town council should not select the members of the Board of Health when there is a rural district as well as a town district.

Martis, 20° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. MacGregor
Mr. Greene.	Mr. Freshfield.
Mr. Langton.	Mr. Adderley.
Mr. Wilkinson.	Mr. Knight.
Lord Robert Grosvenor.	Mr. Egerton.
Mr. Irton.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

J. Heron, Esq.

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Joseph Heron, Esq., called in; and Examined.

1041. *Chairman.*] YOU are Town Clerk of Manchester, I believe?—I am.

1042. Do you wish to offer any suggestions to the Committee in relation to the Public Health Bill?—There are one or two points upon which I should be glad to make a suggestion to the Committee. The first point to which I should like to refer is with reference to the mode in which it is proposed that the Act should either be adopted or applied. Now, there are three modes suggested; first, that the Act may be adopted in its integrity by a majority of the ratepayers without the interference in any way of the General Board of Health. From the experience which I have had, I think one might fairly venture to hazard an opinion, that however desirable the provisions of the Act may be, by that mode no district will ever obtain the benefit of them; they never will, in my opinion, be adopted by the majority of the ratepayers. Nothing would be easier in any district, than, by a simple placard, that would not cost many shillings, to prevent the possibility of the majority of the ratepayers voting for any Bill, however advantageous, by which, as a necessary consequence, there would be a considerable amount of taxation.

1043. Do you understand the Bill as saying that a majority of the actual number of ratepayers is necessary for the adoption of the Act, or a majority of those who may tender their votes?—I see there is a provision, that it is to be decided by the majority of ratepayers voting, and that every ratepayer who has been

been rated for the relief of the poor, and paid the rates, may tender his vote. That very circumstance would increase the difficulty, because the parties who would so tender their votes would be those who would be most opposed to the introduction of anything like taxing powers. I am quite satisfied, from the experience I have had of the difficulty of obtaining even the necessary number of votes to warrant the interference of the General Board of Health under the present Act, that there is no possibility of the majority of the ratepayers giving single votes, ever sanctioning the introduction of the Act.

1044. Do you think it would be an improvement if, where there is a representative body, such as a town council, or a local Board of Improvement Commissioners, elected in the first instance by the ratepayers, they should have the power of adopting the Act, if they should so think fit, they being a representative body?—That would not get over the difficulty, because I look upon it that it is more important to arrange for the introduction of this Act where no powers of any kind are in existence; where there is no town council exercising very similar authority and powers to those proposed to be given by this Bill, there the introduction of the Act is most desirable.

1045. But where there shall be a representative body in existence, would you prefer that that representative body shall have the power of adopting the Act, if they shall so think fit?—I do not think that would be any great improvement. I do not think we should ever voluntarily adopt the Bill as a town council, and I am quite satisfied that the inhabitants would never propose to adopt the Bill, as we already possess the same kind of powers. I am speaking now of Manchester.

1046. In Manchester you possess almost all the powers which are conferred by the Public Health Act; therefore, when you speak of places where the inhabitants and ratepayers are called upon either to adopt or reject the Act, you are not speaking of Manchester, but of other places generally. Do you think that as it regards places generally, irrespective of Manchester, it would be desirable or otherwise, that where there is a representative body, such as a town council or a local Board of Commissioners, elected by the ratepayers, they should have the power of adopting the Act, if they should so think fit?—I do. I think it would be decidedly preferable that it should be by a certain number of the town council, say either the majority or two-thirds, voting for the introduction of the Act if they thought fit.

1047. Returning again to cases in which there is no town council, and no representative body, it is provided by the Bill that the majority of the ratepayers who vote may adopt the Act or otherwise. You object to that proposition. What would you propose instead of that suggestion?—It is rather with reference to the general scheme that I suggested the objection. In looking at the Bill, I cannot separate the three modes of introducing the Act. That it is desirable to introduce the Act, probably no one will doubt. My opinion is, that the only way in which it ever will be introduced, will be without consulting the ratepayers, and in opposition to their opinion. I think it would be better if that were understood. The first mode which the Act mentions is by the majority of the ratepayers; I think that is perfectly hopeless; I do not believe it will ever happen to the end of time. It would only be necessary to put out a short placard, headed "Spoliation, Robbery, Plunder! Vote against the Public Health Act;" and you would have a majority of three or four to one against the introduction of it in any place.

1048. Mr. *Irton.*] You would be disposed to force it contrary to the wish of the inhabitants?—If it is necessary.

1049. Who is to judge of that?—There must be some mode of determining that. I think the present mode is even better than the new proposition, because it only requires a small number of ratepayers to authorise the central authority to send down and determine whether or not it is desirable to introduce the Bill. Perhaps I may be allowed to say that my reason for taking a particular interest in reference to this Bill is this: I consider this Act as likely to be useful. I have no hesitation in saying that it is a great improvement, as far as I can judge, upon the existing Act; with the exception of some of the clauses, it is much more valuable, and will be found so in any district in which it is introduced, with certain material alterations of clauses, which are in fact novelties in the present Bill. But if it is to be introduced, it will be by the interference of the Board of Health under the last provision, where the mortality is more than 23 in 1,000. Now, the mortality is more than that in Manchester, and in almost every town where

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where the introduction of this Bill would be at all necessary. If, therefore, it is to be the general practice of the General Board of Health to introduce this Act without consulting the ratepayers, as I am satisfied it must be, if it is introduced at all, then I think it is very possible that it may be introduced where it is not absolutely required. We may have it introduced in Manchester, where we should be extremely unwilling to have provisions brought into operation which might clash with, and which at any rate would not be so well understood, as the provisions under which we have been working for many years.

1050. Mr. *Egerton.*] Have you a Public Health Bill in Manchester?—We have no Public Health Bill, but I believe we have all the provisions of a Public Health Bill, with the exception of those which are entirely new in this Bill.

1051. Were most of the provisions in your Act adopted from the Public Health Act?—No. The Public Health Act was adopted from our provisions. We were anterior.

1052. Mr. *Adderley.*] What is the date of your local Act?—I am sorry to say, that we have a considerable number.

1053. Lord *R. Grosvenor.*] I believe that yours was the first town which had an inspector of nuisances?—I do not know that I can say that. We have had an inspector of nuisances ever since I have been connected with Manchester, which is since the establishment of the Corporation. The first point that I wish to bring under the notice of the Committee is this. The first scheme in the Bill for introducing or applying the Act by the vote of a majority, in my opinion, will be a perfectly dead letter; it never will be acted upon. The second requires the consent of the majority to the provisional order, which, in my opinion, would be still more difficult to obtain, because the moment you come to deal with the details, you would have the opposition of a vast number of parties more strongly excited than even before, when they did not exactly see or know what was to be done. I am satisfied that that provisional order would never obtain the assent of a majority of the ratepayers, restricted even as it is proposed by this Bill.

1054. Mr. *Egerton.*] Have you found much unwillingness on the part of the inhabitants of Manchester to the introduction of your present Acts?—All our Acts have followed as the natural consequence of the Municipal Corporation Act. They have been promoted by the corporation, and notwithstanding what has been suggested in this room about corporations, I still think that corporations have necessarily a certain amount of influence and confidence, and that the sanitary Acts which are promoted by corporations, of which there is every possible publicity given to the inhabitants, are obtained with comparatively little difficulty. No doubt the great amount of expense to be incurred is a great check upon unnecessary oppositions; but we have had no difficulty whatever in introducing sanitary provisions.

1055. *Chairman.*] What you wish to convey to the Committee is this: that whilst you have had very little trouble in introducing a Bill when it emanated from the corporation of Manchester, you believe that if there had been no representative body in Manchester, and the sense of the ratepayers had had to be taken in reference to any such propositions, you would have found very great difficulties in coming to Parliament in relation to sanitary matters?—I have not the slightest doubt about it. I believe that if any of our Bills had to be submitted to a meeting, such as is suggested by this Bill, for the majority to say Aye or No, we should not have had one single Bill introduced.

1056. Take this case: under the provisions of the Bill as it stands, where there shall be a certain mortality in towns, the General Board of Health may, if they think fit, apply the Act compulsorily; but there are places in the kingdom where the mortality is less than that average, and yet where it may be extremely desired by some that the Public Health Act should be introduced; by the Bill, it is proposed that the ratepayers shall have an opportunity of introducing it, which you say is objectionable; now in those cases, what would you propose to the Committee?—I do not exactly say that it is objectionable, but I say that it is practically, in my opinion, a useless provision; that it is impracticable; that it would not work.

1057. In those cases, what would you propose to substitute for that?—As far as my own opinion is concerned, I really think there would be no very great danger or difficulty if the Board of Health, wherever the necessity existed, without the application even of one-tenth of the ratepayers, could send down an inspector; they should then have a proper report presented, and if they could make

make out a case which would satisfy Parliament, I do not see why any district should not have some system of local government imposed upon them if they are unwilling to adopt it.

1058. Lord *R. Grosvenor.*] You have nothing specific to suggest?—No; I have no specific proposition to make.

1059. *Chairman.*] Do you mean this, that as regards the kingdom at large, there should be a Bill framed for sanitary purposes, and that it should be compulsory on the localities to adopt the Bill, or that the Bill should be applied to the whole of the kingdom, with the exception of places which have already some local Act for the purpose of carrying out these objects; is that what you mean?—Not exactly so; I do not see how it could be imposed upon any district by the general Bill, because there may be special circumstances; but I confess I am not prepared to make any definite suggestion to the Committee as to the way in which it should be introduced. My object in bringing under the notice of the Committee what we believe would be the practical operation of the present system, is rather with a view to show, that if the Bill is to be introduced at all in any place, it might in the same way precisely be introduced into Manchester, where it certainly would be very much against the desire of the whole of the inhabitants, because if it is introduced anywhere, it must be introduced under the last power.

1060. Mr. *Knight.*] Do you know what the mortality is in Manchester?—I do not; but it is considerably above 23 in 1,000; and yet we are in the habit of believing that we are one of the most healthy towns in England: so we are, as far as the state of sickness is concerned. I do not think that these returns afford any absolutely correct notion what the state of the towns may be. Possibly it is the nature of the occupation in Manchester which leads to shortening life; but as far as the state of sickness is concerned, we are an exceedingly healthy town; but I believe that the rule of 23 in 1,000 would enable the introduction of the Act into almost every town.

1061. *Chairman.*] What suggestions would you desire to make to the Committee with reference to the Bill?—The 88th clause is a new clause. I do not exactly see what its object is, and it is very difficult to foresee exactly what might be its application. It says that it "shall be the duty of the local Board to keep their district free from nuisances, and for that purpose to exercise such powers, and take such measures, as may be vested in, or exercisable by them, under any Act or Acts of Parliament for the time being in force." It is principally objectionable in connexion with another Bill which I suppose will hereafter come under the consideration of the Committee. I do not exactly understand why a clause of that kind is proposed unless it is with the view of giving something like a legal right of action, or some proceeding against the local authority. It seems to me an objectionable clause, and unnecessary. It is chiefly with reference to the provisions of the other Bill that one is disposed to look at a clause of that kind with more anxiety than one might do under other circumstances, because the provisions of that Bill are of so extremely stringent a character.

1062. The object of the clause is simply this: to determine by this Act that the local Board, which shall be constituted under the provisions of this Bill, shall be the authority to carry out the provisions of the Nuisances Removal Act?—If that is the object then the clause is quite unnecessary, because that is clearly provided for in the Bill itself.

1063. Have you any other suggestion to make?—The fifth paragraph of clause 95 appears to require alteration; for, as the clause stands, any street, whether paved and sewered, or otherwise, may be declared a highway, repairable by the inhabitants; and the expenses of originally paving and sewering a street might thus be cast upon the township instead of being paid by the owners of the adjoining land. The proviso declaring that any street shall not become a highway repairable by the inhabitants if "the proprietors of such street, or length thereof" object (which is also contained in the Act of 1848), also requires consideration. It may be a question whether, under such circumstances, there are any means provided for compelling any party to pay for any subsequent repairs which may be required. The principle with respect to streets has been, that when paved and sewered at the expense of the landowners, they shall become *ipso facto* highways repairable by the inhabitants of the township, and that all future expenses should be paid by the inhabitants of the township. There is the same proviso

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in the present Act, and I could never see why it was introduced; probably it will be inoperative; but supposing any one landowner should say, "I object to that being a highway," although it had been paved and sewered, I do not know from whom any expenses that might afterwards be necessary to keep the street in repair could be obtained.

1064. What is the next point you have to mention?—Very large and extensive powers are given to the local Board, but no doubt properly; they are at liberty to make use of them if they think fit, and I think they would be found very advantageous, so far as the incorporation of the Towns Clauses and Police Clauses Acts are concerned, and with reference to the Towns Improvement Clauses also, and the powers for supplying water, and for supplying gas, and the Markets and Fairs Clauses. Then we come to clauses 108 to 113, which authorise the purchase of land, and incorporate the Lands Clauses Act, and propose to authorise local Boards to exercise compulsory powers of purchase upon obtaining, in the mode prescribed, the consent of the court of quarter sessions. Now that is an extremely novel proposition, and it seems to be more important as a piece of legislation than anything else contained in the Bill; and I can hardly imagine that Parliament will ever sanction any such authority being given. I say it with great deference, but I think it would be very difficult indeed to select a more undesirable authority to which to refer matters of that kind than the court of quarter sessions.

1065. Do you think it would be desirable to give a local authority the power of acquiring land under any circumstances, without the necessity of coming to a Committee of the House of Commons?—There is no doubt it would be very desirable if some satisfactory mode of doing so could be adopted, which, whilst it facilitated the proceedings of the local Board, and lessened expense, would really do no injustice to the owners of private property. But it appears to me that the powers given by this Bill are so very extensive, that the necessity of compulsorily interfering with property would not be of very frequent occurrence. I heard a statement made before the Committee yesterday, in speaking of these powers, with reference to sewering. Now, as far as my experience goes, we never find the slightest difficulty in sewering for want of compulsory powers to purchase land. The powers given, as far as sewering is concerned, are as extensive as any local authority could possibly desire; they have power under the Bill as it stands to go under, or through private property, and to do almost anything that may be necessary for sewering or draining, making compensation to the parties for any injury done, the only restriction being that they may not go under your house; but with that exception, I think, there is power to do everything necessary.

1066. Will you state to the Commitee what the powers of the town council of Manchester are with reference to drainage under their local Act, taking this case for example: Supposing the town council of Manchester should desire to make outfall works for draining purposes, and that they would have to go through lands, the owners of which were opposed to the scheme of the town council; how would you proceed in that case?—We have the power now, and have exercised it frequently, of going through private property, for the purpose of obtaining the outlet of a sewer or drain; that power exists, and it appears to me that the same power is proposed to be given by this Bill. I think the powers given by this Bill are very similar to those that we now enjoy.

1067. Supposing you wanted to make an outfall, and the party through whose lands you would have to lay down the pipes objected to your interfering with his property in any way whatever, will you state what course you would take?—The power is given to go through any private property, for the purpose of obtaining an outfall of a drain. The committee that has the management of that particular department, in connexion with the paving or sewering of any street or any district, prepares a plan; and if it is necessary to go through private property, a notice is given that it is the intention of the committee to carry a drain in a certain direction through the land, but such notice, I believe, is not absolutely required by the provisions of the Act; and if any difficulty at all occurs as to the compensation to be paid (and I scarcely know a single case that has ever occurred in the last 15 years), if any difficulty occur, I believe the provision is, that under the Act, the amount of compensation is to be decided by the justices. I ought to say, that we have never proposed to carry out any extensive system of drainage, that is, carrying out the

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refuse to a distance from the town, under some general system; that we have never attempted in Manchester, and I doubt whether we ever shall. *J. Heron, Esq.* 20 March 1855.

1068. What becomes of the refuse drainage in Manchester?—It goes into the natural drainage, the watercourses which pass through the town, or gets into the rivers in some way. No doubt it creates more or less inconvenience and difficulty; but we believe that any other mode that has been suggested would create greater difficulty than we now contend against.

1069. Lord *R. Grosvenor.*] It goes into the Irk, the Irwell, and the Medlock?—It goes into the Irwell, the Irk, the Tibb, and the Medlock. Those are the sewers, not only for the city of Manchester, but for the districts beyond; so that whatever arrangements we might make, they would still be fouled by people over whom we have no control.

1070. Mr. *Wilkinson.*] Do you mean above or below?—Above.

1071. Mr. *Macgregor.*] Are you not covering them to a great extent?—They have been covered to a certain extent; we are covering them wherever that arrangement can be made, and we are gradually endeavouring to carry it out; but there is extreme difficulty for we have unfortunately to come into contact with large mills and works which use the water, and that creates extreme difficulty in making arrangements.

1072. *Chairman.*] How far do you go for water now?—For a supply of water we go about 20 miles; our works have been going on for six or seven years, and they are not yet completed.

1073. Is there anything else which you desire to suggest to the Committee?—I believe that as far as these compulsory powers are concerned, they would be only used for the purpose of extensive purchases; perhaps buying gas-works and buying waterworks, or creating waterworks. I am sure there is no gentleman in this room that does not know the sort of questions that arise wherever you attempt the creation of waterworks, or an interference with water privileges of any kind. Whatever system may be adopted I think it is impossible to suggest one that would be more objectionable than attempting to refer questions of that kind to the court of quarter sessions; in fact, the greatest alarm has been caused to persons in the neighbourhood of Manchester at the very idea of giving power to the court of quarter sessions to deal with the water rights and privileges, upon which parties are entirely dependent for carrying on their works. It might be very convenient or desirable for some of the neighbouring towns to take water which is useful for print works for the purpose of supplying water to the town, and they might possibly get it sanctioned at the quarter sessions.

1074. Is there any other point to which you wish to refer?—There is clause 134, which proposes that a copy of the accounts is to be sent to the General Board, and to every ratepayer in the district; I would suggest that if that provision remains in at all, it should provide that any ratepayer might have a copy without charge who thought fit to take the trouble to ask for it at the town-hall or any other place, in which case a very different number would have to be printed. I do not know that there is anything else with reference to the Bill with which I need trouble the Committee.

Mr. *George Rowdon Burnell,* called in; and Examined.

1075. *Chairman.*] WHAT is your profession?—I am a Civil Engineer and Architect. *Mr. G. R. Burnell.*

1076. You desire to make some observations upon the Public Health Bill?—Yes.

1077. Where do you reside?—At No. 14, Lincoln's-Inn-Fields.

1078. Do you appear here for some parties?—At present I do not.

1079. Have you not sent round some circulars to Members of Parliament and Peers, with your name attached to them?—Precisely.

1080. On whose behalf did you send round those circulars?—On behalf of the Private Enterprise Society.

1081. Will you state what is the nature of that Private Enterprise Society?—It is to call the attention of public companies, and of persons who are interested in works of private enterprise, to the nature of measures which may be brought before the Houses of Parliament.

1082. When was that society established?—Last year.

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1083. Have you one of the circulars which you sent round to Peers and Members of Parliament?—Not with me.

1084. Mr. *Wilkinson.*] How was the circular headed?—The last circular that we sent round was precisely with regard to this Public Health Bill of 1855. It was headed something about the privileges of Parliament attacked, and the rights of the people violated. But I desire upon the present occasion more to make some observations which have occurred to me in my practical experience about the country, and not as representing any society of any description.

1085. *Chairman.*] You sent round some circulars with your name attached to them, "G. R. Burnell, Secretary to the Private Enterprise Society," and one of them is headed "New Public Health Bill. The Privileges of Parliament endangered, and the Rights of the People violated"?—I did so.

1086. What other circulars have you sent round with reference to either of these Bills?—There was another, which was forwarded to you, and I believe addressed to you directly, containing the resolutions passed at a meeting at the Freemasons' Tavern, in which the representatives of certain companies expressed their dissatisfaction at the clauses which were proposed by Mr. Baxter.

1087. Have you sent any other circulars upon this subject?—I do not at the present moment recollect any others.

1088. Have you sent round any circular entitled, "Public Health Bill. Disregard of Fair Play and the Usage of Parliament"?—I did send that; that is to say, I wrote the addresses; but I was not the author of it.

1089. But you were a party to the circulation of it?—Precisely so.

1090. It came from the hands of the Private Enterprise Society?—Yes.

1091. When was the meeting held at the Freemasons' Tavern?—I think there were two meetings held at the Freemasons' Tavern. I have not my journal by me, and therefore I am not able to answer these questions very decidedly; but in the course of this month a copy of the resolutions was forwarded to you, which will show the date.

1092. Were there many people present at the Freemasons' Tavern at the first meeting?—No, very few. The first meeting had in fact been counteracted by a circular, which Mr. Baxter himself had sent on the Saturday previous to the meeting.

1093. How many people were present at the first meeting?—I should think there might have been about some 16.

1094. At the second meeting how many?—I should think at the second meeting there might have been about 40.

1095. As many as 40?—I cannot tell exactly. I did not count them.

1096. Do you think there were as many as 40?—Yes, I do.

1097. Were all those persons, whether 40 or otherwise, connected with the trades?—Not with trades; with companies, as nearly as I can recollect.

1098. Or with companies?—I have no reason to doubt it.

1099. Were they members of the Private Enterprise Society?—A few of them.

1100. How many circulars did you send round in order to get so large a meeting as 16 in the first instance, and 40 in the second?—One only for the first and one for the second.

1101. To how many persons did you address those circulars?—The second meeting was called by advertisement.

1102. How many copies of the circular were sent round in the first instance, to the best of your recollection, convening the first meeting?—That I am not able to say exactly. I should think there might have been perhaps about a couple of hundred.

1103. The circular which bears your name, headed "The Privileges of Parliament endangered, and the Rights of the People violated," is dated February 1855, and has been very extensively circulated. Now, was this circulated previously to the first meeting, or after the first meeting, and previously to the second meeting?—Before the first meeting, I believe. I am speaking simply from recollection, because I do not remember the precise date of the first meeting.

1104. If it was previously to the first meeting, at whose instance was this circular sent round?—By the sanction of the Private Enterprise Society.

1105. Where did the Private Enterprise Society meet and sanction this circular?—Not being prepared for a cross-examination upon this subject, I am speaking simply from memory; but it was very shortly before, I think almost the evening before, the date which is borne upon that circular.

1106. Was

1106. Was there a meeting of what is called the Private Enterprise Society to sanction this circular?—It was written at a meeting of the committee of the Private Enterprise Society.

1107. This was submitted to them?—It was written in the presence of a portion of the committee, not of all.

1108. Was it written by you?—No, it was not.

1109. Was it written by a member of the Private Enterprise Society?—It was.

1110. This was done previously to the meeting?—Previously to the meeting.

1111. Was this written by a person who is connected with the trades?—With companies.

1112. As representing the company, or as a professional man to the company?—In his private capacity.

1113. A professional man employed by the company?—A professional man employed by the companies.

1114. As you represent the Private Enterprise Society, and come here on their behalf, be good enough to state to the Committee how many members belong to that society?—In the first place, allow me to observe that I do not at present appear on their behalf.

1115. Perhaps you may not appear on their behalf, but you represent yourself to be the organ of the society?—The secretary, simply; indeed, even at present I do not represent myself exactly as that.

1116. But you come here, being the secretary of what is called the Private Enterprise Society, which Private Enterprise Society has put forward circulars, and raised objections against this Bill?—Precisely.

1117. They think that they will be aggrieved by the provisions of the Bill, if it should pass into a law; is that the case?—Precisely.

1118. Now, in order that we may attach some value, either high or low, to the suggestions which are made by this Private Enterprise Society, of which you are the secretary, be good enough to state to the Committee what this Private Enterprise Society is?—At present, the Private Enterprise Society consists, I think, as nearly as I can recollect, of 24 large and important gas and waterworks.

1119. Those are the members of the society?—They are the members of the society.

1120. Is the society one that is a self-supporting society, by subscriptions?—It is so.

1121. What is the amount of the subscriptions?—The total amount of the subscriptions (speaking simply from memory) is at present, I believe, about 135 *l.*

1122. Since its formation?—Since its formation.

1123. Are those 24 gas and water companies to make an annual subscription for each company?—It has only existed one year; the subscription is to be annual.

1124. It is to be in the nature of an annual subscription?—Precisely so.

1125. Be good enough to state to the Committee what gas and water companies are associated as members of the Private Enterprise Society?—In London, the Lambeth (I am speaking again simply from memory), and the New River; the Derby Waterworks; the Sunderland Waterworks; the Leicester Gas; the Leeds Old and New Gas; the Hartlepool Gas and Water; and others.

1126. Then the Private Enterprise Society consists of those companies, and you are the secretary?—I am the secretary; in fact, perhaps I should more correctly describe the object of the society by stating that they are to a great extent remembrancers.

1127. Being a member of the society, you are the secretary of these gas and water companies as far as regards the society?—Precisely so.

1128. And it was either at their instance or with their sanction that this pamphlet was circulated?—At the instance and sanction of the members of the committee for the management of the society who were present at that meeting.

1129. Now, in order that we may put a proper value upon this pamphlet, which has been so largely circulated, be so good as to inform the Committee who sanctioned this?—There were present upon that particular occasion, Mr. Hawksley, Mr. Simpson, I think the secretary for the Lambeth Water-works, and there were one or two other gentlemen present, but I should hardly like to

Mr. *G. R. Burnell.* to say positively; I think Mr. Bell, of the firm of Bell, Steward & Lloyd, was present, but I am not clear upon that point, and several others.

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1131. When was this other circular put forward, "Disregard of Fair Play, and of the Usage of Parliament"?—It was not done with the sanction of the Private Enterprise Society so much as it was done at the request of some private friends.

1132. Connected with the Private Enterprise Society?—Precisely so.

1133. And circulated by yourself?—Posted by myself.

1134. What other circulars were sent round by the Private Enterprise Society, or at their instigation?—With respect to this Bill, none that I am aware of, except those to the different companies, calling their attention to the clauses proposed by Mr. Baxter.

1135. Had they any relation to the Nuisances Removal Bill?—None that I am aware of.

1136. Are there any persons connected with offensive trades belonging to the Private Enterprise Society?—None whatever.

1137. Then you, representing the Private Enterprise Society, desire to offer some suggestions to the Committee on the subject of the Public Health Bill?—In my own private professional capacity, not as the representative of the society; I am not authorised by the society to appear here.

1138. Then, appearing here as an architect and civil engineer, what suggestion do you desire to make to the Committee?—First, with respect to the definition of the term "street," in page 3 of the Public Health Bill of 1855, as originally published, about line 20, this definition occurs very nearly in the same words as are in the Public Health Act of 1848, and in many other recent Acts of Parliament; and yet it has been found practically that, in the case of the Electric Telegraph Companies, who have incorporated this clause, it has been made use of to carry lines of telegraph through what may be, properly speaking, considered to be private property. The definition which appears in the Waterworks Clauses Act, and in the Towns Improvement Clauses Act, is one which appears to be more adapted to meet the justice of the case. With regard to the definition of the word "street," in the Towns Improvement Clauses Act, and the Waterworks Clauses Act, the word "street" is defined as including "any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the special Act," whereas, as the word is defined in the Public Health Bill of 1855, it is made to include "any lane, footway, square, court, alley, passage, whether a thoroughfare or not." Now, in practice we find this: in some parts of London there are places which are mews, where the centre of a court, the square, is paved; it is a court and a passage, but it is not a thoroughfare, and it would come under this definition; but if the whole interior of that court were, according to the terms of this Act, vested in the local Board, the proprietor of the interior of that court would not be able at any time hereafter to interfere to alter it in any way. I know one particular instance where there is a mews of that description, where the proprietor is proposing to pull down the stables round the central court for the purpose of building up some model lodgings; but he is afraid at present to do it because he will require to extend the line of building to take in a portion of that court, which he would not be able to do supposing the court vested in the local Board.

1139. Mr. *Greene.*] But you are aware that it is only vested in the local Board for the purposes of the Act, not vesting the freehold?—But it is very difficult to induce the local Board at any time to give up possession of that which is vested in them. Generally speaking, we understand by the word "vesting" in a body, that the freehold will vest in them.

1140. Mr. *Wilkinson.*] Would not the word "public," interposed between the words "any road," remove all objections to that clause, so that it would run thus, that the word "street" shall apply to and include any public highway, and any public road, public bridge, and so forth?—Yes; if it were to run "any public lane, footway, square, court, alley, passage," leaving out the expression "whether a thoroughfare or not," I think that would remove the difficulty.

1141. Mr. *Langton.*] Your objection is to the words "whether a thoroughfare

or

or not"?—Yes. Then again, with respect to the definition of the word "sewer," which appears about line 33. By clause 72 of the Public Health Bill, certain sewers are exempted, that is to say, sewers used for the purpose of draining, irrigating, and otherwise improving land, which are stated not to vest in the local Board. It appears to me that practically we shall find in the operations of this Act, that it would be desirable if some exception appeared in the definition, so as to exempt agricultural drains, or drains for the purposes of irrigation, in the general body of the Bill.

1142. *Chairman.*] You would propose to say, "except as hereinafter provided"?—Yes; because in the case of a large agricultural district becoming incorporated within the limits of a Local Board of Health, it would be found, I fear, as in the neighbourhood of Southampton and Winchester, that agricultural drains and drains for the purposes of irrigation, would be so intermingled with the sewage operations of the town that there would be some conflict of authorities, if there were not some apparent exception upon the face of the Bill in the beginning. Then again, with respect to the term "waterworks," the definition appears to be too large. It is said that "the term 'waterworks' shall include streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings, and things for supplying, or used for supplying water; also the stock-in-trade of any waterworks company." The term "waterworks," as defined by the Waterworks Clauses Act, appears to me to be less open to give local Boards power of competing injuriously with waterworks companies than this large general description which is given here. The expression in the Waterworks Clauses Act I understand to mean the waterworks and the works connected therewith.

1143. Might not that be provided for by a saving clause with regard to the rights of water companies?—I believe that Mr. Baxter's alterations would almost meet the objections upon that point; and I mention it, rather as a point which I find upon my notes, than because at present it has any very important bearing. From facts which have come within my notice, I believe that it is possible difficulties might arise from a discrepancy which I conceive exists in this Bill, in the first sub-section of section 22: "The Local Board of Health shall possess and perform all powers, rights, privileges, and obligations hereby vested in or imposed on local Boards of Health; but the constitution of, and manner of choosing such first mentioned local Board shall continue as heretofore." Now, the Local Board of Health, as constituted by the Act for the promotion of public health, clause 20, are to be elected by a plurality of voting. But according to the new Bill they are to be elected by equal voting. So that, in fact, the towns which have already adopted the Act would be in a different position to the towns which might adopt the Act in future.

1144. If they do not adopt the Act?—But even then the constitution of such local Board shall continue as heretofore.

1145. Mr. *Adderley.*] With respect to streets; I understand that your first objection with regard to streets is founded upon supposing that a mews or street under this Bill will be vested in the local Board. Do you consider that it might be treated as a highway?—I expect, as I read the Bill, that the local Board would be entitled at their discretion so to do, and to pave and alter it.

1146. *Chairman.*] What is the next point?—In the 72d clause in the 2d sub-section there is a trifling alteration made in the wording of the Public Health Bill of 1848, clause 43, which I conceive would make a very considerable difference with respect to a very important class of property. In the 72d clause, it is provided that "all existing and future sewers within their district, except sewers made by any person for his own profit, or by any company for the profit of the shareholders, and except sewers made and used for the purpose of draining, irrigating, or otherwise improving land under any local or private Act of Parliament, and except sewers under the authority of any commissioners of sewers, together with all buildings, works, materials and things belonging or appertaining thereto, shall vest in and be under the control of the local Board." In the 43d section of the Act of 1848, the second exception reads thus: "Sewers made and used for the purpose of draining, preserving, or improving land under any local or private Act of Parliament, or for the purpose of irrigating land;" that is to say, the expression, "or for the purpose of irrigating land," occurs after the words "private Acts of Parliament;" and, therefore, unquestionably,

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without the necessity of a law suit, or any interpretation, all sewers made for the purpose of irrigation are exempted from the power of the local Board. I am rather disposed to fancy that if the wording of the present Act remains, the effect might be that irrigation sewers might come within the powers of the local Board; it is a trifling alteration, but I fear that it may materially modify the position of some of those sewers. I believe some gentlemen already have adverted to the fact, a very important one, that the 145th clause of the Act of 1848 was not re-enacted. There have been several exceedingly important cases, one very recently, decided upon that subject in the neighbourhood of the Avon.

1147. Are you referring to the case of Oldacre *v.* Hunt?—I am referring to a case at Stratford-upon-Avon. I believe there is now a case pending of Chasemore *v.* the Local Board of Health at Croydon, withrespect to the contamination of the springs of the Wandle. Then it strikes me that the wording of the present Act renders the re-enactment of this clause even more necessary, because even though local Boards are bound to execute their sewers and drains, and to keep them so as not to create a nuisance or to be injurious to health, the 75th clause does not enact any provision by which the reservoirs for the sewage shall be forcibly maintained in the same manner. Nothing appears upon the face of the Bill.

1148. What is the point you would urge in relation to the 75th section?—That the local Board should be compelled to construct and keep their reservoirs so as not to create a nuisance or be injurious to health. The 2d sub-section of the 79th clause, it appears to me, gives the surveyors of the local Board rather arbitrary power in some definite case. It is stated here, that "if the sea or a sewer of the local Board, or a sewer which they are entitled to use, is within 100 feet of any part of the site of such new house, the drains so to be constructed shall communicate with such one of those means of drainage as the local Board directs."

1149. What other plan would you suggest in order to get a drainage?—The difficulty I see in that case is, that all the discretion is left in the hands of the local Board, who may, under certain circumstances, compel a house proprietor to take his sewage the longest way, if it should so suit their plans or their purposes.

1150. Into what other drain could they take it?—Supposing the sea was close at hand, as upon the coast at Felixstow, amongst other places, where the houses are built close upon the side of the cliff, it might be the interest of the house proprietor to turn his sewage directly into the sea. But if the local Board of Health had a sewer running 100 feet from that house, and they had any definite object in carrying the drainage of that house to that sewer, they might entail upon the man the necessity of carrying that sewer 100 feet, instead of taking it at once into the sea.

1151. Supposing your suggestion was to be adopted, I presume that the same obligation which the 74th section imposes upon the local Board, to deodorise the sewage, so that it shall not be offensive to the senses, or injurious to the health of the people, would necessarily be imposed upon the person draining from a private house also?—Unquestionably.

1152. What is the next clause upon which you have any remark to make?—In the provisions as to streets, section 5, in page 36, gives local Boards the power, "by notice in writing, put up any part of a street, and to be entered amongst the proceedings of the local Board," to "declare the whole breadth of such street, or the carriage-way or footpath thereof, or any length of such street, carriage-way or footpath, to be a highway; and after the expiration of a month from the date of such notice being so put up, the same shall, subject to the provisions hereinafter contained, become a highway, and be from time to time repaired by them as such." The objection which appears to me to apply to that is this, that it is only necessary for the local Board of Health, in order to take possession, in the hypothetical case which I have mentioned, of a mews which might be in the interior of some property, to put up a notice in writing, and to leave it there for a month. It is exceedingly possible that the proprietor might know nothing at all about it. It strikes me that some provision ought to be made that a notice to that effect should be served upon the proprietor of the said street. Then there is also this to be observed with regard to section 8 of the same clause, page 37: "One month at the least before any new street is laid out, the person intending to lay out or make the same shall give to the local Board,

Board a plan of such street, showing the intended level and width thereof, and the provisions made for sewerage." Now we find practically that in rural districts, streets occasionally, to use a colloquial expression, grow up without any plan ever having been formed definitely, either as to laying out the street, or as to the sewerage of it.

1153. Then there is no occasion for doing anything, because the Bill only provides that this shall be done one month at least before any new street is laid out; therefore, if no new street is laid out, there is no necessity to communicate with the local Board?—But when houses are built in a place of that kind, some provision must be made for the sewerage and drainage of them. Then again the penalties which are imposed with respect to non-compliance with all these notices to be given to the General and Local Boards of Health are so exceedingly heavy, that I am afraid their enactment would be found either to be inoperative, or to be very oppressive.

1154. To which do you refer?—It is in the 96th clause, page 38: "If any person so intending as aforesaid to lay out or make any street, commits any of the following offences: fails to give the notice hereinbefore required to be given before beginning to lay out such street as aforesaid; acts in contravention of the decision of the local Board in laying out or making such street, or any part thereof, he shall, for each such offence, incur a penalty not exceeding 50 *l.*"

1155. You think that is too high?—Yes.

1156. Mr. *Wilkinson.*] Does not that penalty begin at the end of clause 95?—It also occurs, "During the progress of the formation of any such street, and at such stages of the work as are specified in the form marked G., in the Schedule hereto."

1157. *Chairman.*] Is there anything else that you wish to bring before the Committee?—Mr. Baxter yesterday mentioned a method of obtaining land for the purpose of public works, which struck me at the time to resemble exceedingly the French law upon the expropriation for the public good. I have taken the liberty of bringing a copy of the French Code, if the Committee would like to have any information upon the matter, or would like to see the book. The French law is evidently drawn up with great attention to the rights of private property.

1158. Mr. *Adderley.*] What is the book to which you are referring?—It is the Code d'Expropriation pour cause d'utilité publique.

1159. What is the date of it?—The date of this book is 1842. The law in question, which rules these matters in France at the present day, dates from the year 1833, and I believe it has been modified in some unimportant details by a law which was passed in the year 1841. In those cases, the Minister of Public Works proposes a Bill of public utility, and after the Bill has passed, and has obtained the sanction of the Representative Chambers, the engineers entrusted with the execution of the works, draw up the plans, which are deposited at the mairies of the different communes, and notices are given to the different proprietors interested, who may obtain access to all those plans during the period fixed by law, for about some eight days, and they are bound to make their observations upon the subject of the plans to the mayor, who transmits those observations to the prefect; a commission of inquiry is then held by the prefect, assisted by the conseil de prefecture, who I believe are all nominated by the Crown. The landed proprietors are entitled to oppose the measure in all those stages of proceeding. After the conseil de prefecture has made its report to the prefect, the prefect transmits the result of the investigation to the Minister of the Interior, who issues a decree by which the undertakers of those public works are entitled to take possession of the land, but they can only take possession after a jury has fixed the value of the land so taken. I lived in France about eight years, when I was employed upon some of the railways, and we had an opportunity of seeing the operation of this Act, and we found that substantially the results were exceedingly just, but that they were very complicated and very long, and I believe in the end, quite as expensive as the system which we adopt in England, of appearing before Parliament; so that it appears to me, that as far as regards these matters, from my own experience, the question is one which ought to be dealt with by some general measure upon the subject, rather than by subsidiary clauses introduced into a Bill for another purpose. The system applied in France, which is very similar to that which Mr. Baxter recommended, is nearly as complicated, and as difficult as that which is adopted here;

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here; and I am inclined to fancy that no great improvement would be effected by the change from our present system; at any rate the whole matter ought to be dealt with upon its own merits, and form a subject of special investigation.

1160. Mr. *Adderley.*] Does that law in France apply to the improvement of towns only, or to all works in France?—To all works in France. Small works can be dealt with simply by the decision of the prefect, which might perhaps meet some of the cases which the Right honourable Chairman mentioned yesterday, where it would be necessary to take some small plot of land for the purpose of carrying out some scheme without the necessity of an application to Parliament. There is another clause to which I would take the liberty of calling the attention of the Committee; it is clause 115, with respect to private expenses: "The following deductions shall be allowed to occupiers in respect of payments made on account of private expenses. (1.) Every occupier holding at a rack-rent shall be entitled to deduct from the rent payable to his immediate landlord three-fourths of the amount paid by such occupier in respect of private expenses. (2.) Every occupier holding at a rent less than rack-rent shall be entitled to deduct from the rent payable to his immediate landlord such proportion of three-fourths of the rent as his rent bears to the rack-rent;" and so forth. Now, upon this subject I can state what has come within my own personal knowledge.

1161. *Chairman.*] Are you aware that that is part of the Act of 1848, and has been in operation for seven years?—Precisely so; but what I submit is, that inasmuch as the Preamble states that further provision should be made for improving the condition of towns, it might be competent for the Committee to improve this.

1162. I draw your attention to that in order that you may, if you have had any experience in the matter, point out what evil has arisen from the clause, as it has been in operation for seven years?—My practical experience has been rather in London than in any other towns where the Public Health Act has been applied. Now, I know a case in London; it was, in fact, a house of my father's, which he built some time ago; he constructed the sewage according to the generally received system, upon the best plan; he laid on the water supply on the intermittent system, which was the only one known at that day; and he let the house upon a 30 years' lease. It would be exceedingly possible for any person, at the present day, to let a house upon a 21 years' lease, and yet that, within twelve months, it would be advisable, almost compulsory in London, to adopt the constant supply; so that a landlord having gone to the expense of supplying houses upon the best system of that day, would find himself compelled to pay three-fourths of the expense of the new system of water supply, when he himself had let the house for 30 years, during which the whole of that debt has to be extinguished, and there is no possibility of deriving any beneficial interest from the outlay to which he is put. I cite the case of my father's house, because it is one which I immediately know.

1163. Mr. *Greene.*] Supposing that the term is not so long as you speak of, is not it a great hardship upon a tenant to have to pay that sum for the owner of the property for the benefit of which the alteration is effected?—I grant it must necessarily be the case that when you are dealing with vast and complicated interests, difficulties of that sort must necessarily arise; but, in a great many cases in London that I am aware of, the leases are let with the express provision that the tenant who takes the property shall pay all the eventual rates; he takes his chance; he is warned; he is told distinctly that the landlord wishes him to make inquiries what possible rates may come upon him, and that he, the landlord, will not be responsible for any eventual rates. And yet, even supposing that condition were inserted in the lease, this clause, as it appears to me, would upset the lease so far as regards that condition. The difficulty would be obviated by inserting, "unless a special agreement with respect to the payment of future rates by the tenant shall have been made."

1164. *Chairman.*] But surely, if there is an agreement to that effect, that is a matter to be settled between the landlord and the tenant?—The difficulty arises, practically, that all these matters give rise to so much litigation; and, in many cases, people would rather submit to a diminution of their rental than carry a thing of this description into a court of law.

1165. What other points do you wish to observe upon?—One practical observation which I should like to make would be this: that in the 118th clause,

page 51, the subdivision B., of sub-clause 6, the words of the 61st chapter of the 11th & 12th of Victoria are reproduced textually; that is to say, "the occupier of any land used as arable, meadow, or pasture ground only, or as woodlands, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing path for the same, or as a railway, constructed under the powers of any Act of Parliament for public conveyance, shall be assessed in respect of the same in the proportion of one-fourth part only of such net annual value thereof." The interpretation of that clause has given rise already to a great deal of litigation. I may state, among other cases, the case of the Great Western Railway at Swansea.

1166. Is there any other case with reference to railways besides that of the local Board at Swansea *versus* the South Wales Railway?—I am not aware of any other at present. But there is one suggestion which, perhaps, I might be allowed to make, that if a railway be exempted by the Act from the full rating, because they do not bring any settlement in the parish, but rather on the contrary, benefit the parish through which they run; and, indeed, I may observe that the railways throughout England pay about one-seventeenth of the whole amount of rating in the parishes through which they do run, whilst they only occupy about $\frac{1}{136}$th of the assessable area therein; if the railways be exempted, *à fortiori* the gas and water-pipes which bring no kind of settlement, and occasion no kind of accident, ought to be exempted.

1167. Mr. *Knight.*] They do not occupy the land in the way that a railway does?—They do not even occupy the surface of the land; they are only deposited in the exercise of an easement.

1168. *Chairman.*] Then what you propose is, that either gas and water companies should be reduced to one-fourth, or that, in order to make it fair, the railway should be increased to four-fourths?—I would rather propose that the gas and water companies should be exempted, because I consider the exemption of railways a very fair one.

1169. Are you aware of the nature of the decision given by the judges in the case of the Local Board of Swansea *v.* the South Wales Railway?—Substantially it was to this effect, that the word "railway" as interpreted by the judges, applied to any part were the engine ran; but that the platforms, and the accessory structures of the railway were to be rated to the full amount of the rating. But then one difficulty arises in this way, that inasmuch as the rating of a railway necessarily carries the whole of that which is necessary for the support of the railway, if you get a railway carried upon an embankment, and a platform carried up upon piles upon that embankment, within the limits of the slopes of the embankment, that platform becomes exempted.

1170. Was not the decision of the judges, in the case of the Swansea Local Board *v.* the South Wales Railway, to this effect; that where the engine travelled, that portion of the railway company's works was to be rated at one-fourth only, that where the engine did not travel, such as the platforms, and warehouses, and clerks' offices, and all the paraphernalia and the buildings consequent upon the construction of a railway, they were rated at four-fourths?—Precisely so.

1171. What is the next point?—With respect to mortgage of rates, clause 121, my own experience of some of the country towns throughout England would rather lead me to believe that the mortgaging of rates, to the extent of two years of annual value, will be found to entail a very heavy burden, more than they can well bear in many cases.

1172. Is there any objection by the Private Enterprise Society to the present system of mortgaging for one year?—We have not discussed that question.

1173. Then is that a subject which has never come under the consideration of your society?—Not officially, we may have talked about it generally, but I believe the general impression is that there is no objection to the mortgaging for one year. Evidently the local Boards must have a power of raising money to execute the works which they are authorised to construct.

1174. Then it is a mere question of amount whether it should be one year, or whether it should be extended to two years, or a year and a half?—Yes, as to the extent of the mortgage.

1175. What is the next point?—In clause 128, and also in clause 151, there appeared to me to be discrepancies. In clause 128 it is said, that for the purpose of any audit or examination of the account under this Act the auditor is bound to show his books, and if he refuses, he is liable to a fine of 40*s.* Then, in

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in clause 152, it is said, "whosoever wilfully obstructs any superintending inspector, or any member of the local Board, or any officer or person duly employed in the execution of this Act, or destroys, pulls down, injures, or defaces, any board upon which any bye-law, notice, or other matter is inscribed, shall, if the same were put up by authority of the local or general board, be liable for every such offence to a penalty not exceeding 5 *l.*" Now, the objection is perhaps a small one, but it is this: that there is, comparatively speaking, a heavier fine upon a man who may pull down a notice board than there is upon a public officer who refuses to show his accounts.

1176. You observe that the one is a positive sum and the other is "not exceeding 5 *l.*"?—It is so.

1177. Is there anything else you wish to point out?—With respect to the notice of action: the 146th clause provides, that "No writ or process shall be sued out against, or served upon, any superintending inspector, or any officer or person acting in his aid, or under the direction of the general Board, nor against the local Board, or any member thereof, or the officer of health, clerk, surveyor, inspector of nuisances, or other officer or person whomsoever, acting under the direction of the said local Board, for anything done or intended to be done, under the provisions of this Act, until the expiration of one month next after notice, in writing, has been delivered to them or him, or left at their or his office, or usual place of abode," and so forth. And then it afterwards goes on, about line 10 of page 64, "And if, upon issue joined upon any plea pleaded to the whole action, the jury find generally for the defendant, or if the plaintiff is nonsuited, or discontinues, or if judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly." The objection that appears to me to lie against the whole tenor of that clause is, that every precaution is taken to defend the agents of the local Board, and difficulties are thrown in the way of actions brought against them; but they are not made responsible afterwards for any abuse on their part, in the exercise of their powers, because if you turn to the structure of the words here, that if such a matter or thing were done, or a contract were entered into *bonâ fide* for the purpose of executing this Act, you will see that it may become at all times exceedingly difficult to ascertain whether the matter or thing done was entered into *bonâ fide* or not. The objection appears to me to be this, that there is not the same amount of protection afforded to private individuals that there is afforded to the agents or the authorities of the local Board.

1178. Mr. *Knight.*] What alteration do you propose in the clause?—Perhaps I am hardly lawyer enough to be able to draw up a clause to that effect; but I should suggest it for the consideration of the Committee.

Jovis, 22° die Martii, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall.	Mr. MacGregor.
Mr. Irton.	Mr. Langton.
Mr. Horsfall.	Mr. Knight.
Mr. Egerton.	Mr. Greene.
Mr. Wilkinson.	Lord Robert Grosvenor.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Mr. *William Everest,* called in; and further Examined.

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1179. *Chairman.*] DO you wish to give any further information to the Committee upon the Public Health Bill?—I do. One point to which I wish to draw the attention of the Committee is this: that in the rural districts there is every desire to carry out the sanitary arrangements, if the parishioners could be allowed to do so without the cumbrous machinery of a local Board; I mean in small parishes. Assuming that they are under the control of the General Board of Health,

Health, under their directions those small parishes would be willing to carry out any sanitary arrangements that are desirable.

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1180. Mr. *Irton.*] Are you speaking of your own locality?—Yes, of my own locality. I represent 14 or 15 parishes; of those 11 are purely agricultural; the other four are partly town and partly agricultural. I think the machinery of the unions might, under the supervision of the General Board, be applied at little expense to attain all the objects sought for by the present Bill in such districts. The General Board of Health ought to have as full powers, for the purpose of supervising the acts of the local Board in those parishes, as are conferred under the Poor-law Board. The Bill does not give the General Board sufficient powers of supervision. Their officers also, their superintending surveyors, or whoever their officers may be, ought to have the power of attending the local Board meetings; and any acts done by local Board contrary to the directions, or without the approval of the General Board, ought to be illegal. At present the General Board have no power, after having established the Act in any parish, of supervision or control. Then, with reference to the purchase of land for the objects of the local Board, I think there ought to be a double and more simple control than that proposed in the Bill. I should propose, in the first instance, that they should apply to the justices in special or petty sessions, where all the parties on the spot could be heard; and that having obtained their sanction, the confirmation of the General Board should also be absolutely necessary to any act which they may do. I will illustrate the working of the present law by a case; and in doing so it is not my intention to impute motives, but simply to state facts. The Epsom Local Board of Health have expended nearly 1,000 *l.* in obtaining half an acre of land, for the purpose of sinking a well. On that land they have expended an enormous sum in sinking the well subsequently, and in erecting costly machinery, and in building a residence which the law has not provided for. If there had been any power of appeal, either to the justices or to the General Board of Health, this expenditure would not have occurred.

1181. Mr. *MacGregor.*] What do you mean by "an enormous sum"?—I should imagine more than twice as much as they have expended in the purchase of the land. I should say considerably above 2,000 *l.*

1182. Do you know that as a fact?—I think I do. I wish to speak within bounds.

1183. *Chairman.*] What was the value of the land?—I will explain the value of the land. I may, perhaps, be permitted to remark that at the very moment of the local Board entering into the contract for the purchase of this ground, there was a similar piece of ground of half an acre, part of the same plot, which was also in the market for sale, and was sold for 90 *l.*, to which should be added the cost of enfranchisement, it being copyhold, say 75 *l.* There is one defect in the present Bill, which also appears to be in the old Bill, which is this, that the borrowing powers are limited in the Bill to two years' rateable value; they are limited to one year in the old Bill. Now, it is obvious that that was intended to be the amount to be expended for the permanent works. As the Bill now stands, the Board of Health are at liberty to borrow to the amount of two years only, but they may make rates to an unlimited amount without restraint. Now, the effect of that is this: that if the Board of Health borrow to the total amount which the Act allows them to borrow, they are at liberty to go on making rates to cover any expenditure to which they may go for permanent works beyond, and therefore they are able to defeat the object of the Act itself, inasmuch as the powers of making rates is wholly unlimited; and I would submit, that the power of making rates for permanent works should be restricted to the amount of the sum which they are allowed to borrow, and the interest thereon. I know that they have in one district borrowed to the full extent which the Act allows them, and they are now making very heavy rates, because the amount of their contract and the amount of their expenditure has far exceeded what the Act contemplated; and they are now making heavy rates for the purpose of paying off those monies borrowed which ought to be spread over many years. That strikes me as a very important point.

1184. Is there any other point to which you wish to direct the attention of the Committee?—With respect to the case of parties whose lands are sufficiently drained, the Act is permissive only, and the Board of Health in carrying it out say, we will allow just what we like; and parties who have got a perfect system of drainage are liable to be assessed. I happen to know the case of a

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mansion situated in a large park which has got a most perfect system of drainage, and yet is liable to be assessed.

1185. If you have any further suggestions to make, will you make them in writing, and hand them to the Committee?—I have so; the statement is here.

Robert Baxter, Esq., called in; and further Examined.

R. *Baxter*, Esq.

1186. *Chairman.*] On Monday last you handed in some suggestions, in the shape of clauses, in reference to gas and water companies; do you desire to offer any further suggestions in reference to those clauses?—I have no further suggestions to offer, but there are parties waiting in town who wish to give evidence upon the subject, if the Committee desire further evidence in support of those clauses.

1187. There are one or two points in those clauses to which the Committee would wish to call your attention. Clause 10 *b*, which you handed in, runs thus: "In cases where there is any water company or person as aforesaid willing to supply, but such company or person has not been authorised under any such Act or Acts as aforesaid, then if any dispute arises between the local Board and any such company or person as last aforesaid with respect to the supply of water, as to whether the terms proposed by such company are reasonable, such dispute shall be decided by arbitration, in manner hereinafter provided; and any terms fixed by such arbitration, and accepted by such company or person, shall be deemed to be reasonable terms," and so forth. What do you mean by these words, "accepted by such company or person"? because, if there is an arbitration, that arbitration ought to be final between the two parties, instead of which you allow the option of accepting it to the company, not allowing the same privilege to the local Board?—The Committee will see that if it be not accepted by the company, then the power of the local Board to institute works of their own, to supply themselves immediately, comes into operation; so that the greatest possible pressure is put upon the company to accept the terms fixed by the arbitration; but supposing they should feel that the terms fixed by the arbitration are such as would not be compatible with the continued existence of their works, then they would have an opportunity of declining it.

1188. Then the effect of it would be this, that in the first instance the local Board would not have any power to construct works until they endeavoured to make arrangements with any existing company, and that if having used their best endeavours to make arrangements with that existing company, in consequence of a difference between the parties both were obliged to go to arbitration, then the company should have the power of flying off from the arbitration, and the local Board would be thrown back upon the power given them for the construction of works in case the company should not agree to the arbitration?—It is very much to that effect; but it is in consonance with the whole language of the clauses, which is, "if there be any company able and willing to supply." The Act assumes that it is left in the hands of the company to express their their willingness or not; both as regards water and gas, the language of the clause leaves it in the option of the company to decline if they please; but if they do decline they decline under the penalty fixed by the Bill, of having works constructed by the local Board in competition with them.

1189. The object of these words is to destroy the arbitration, if the company should wish to do so, and to throw the local Board back upon the powers that may be given them to erect new works; is not that so?—It is; that is, you are subjecting the company to have the price fixed arbitrarily by arbitration. The object of this clause is, that in case the arbitration should miscarry, and such a price be fixed that they could not afford to furnish it, they should then have the option of saying, "We decline to furnish, and you may supply yourselves." It is quite in keeping with the preceding clause.

1190. But that would evidently be a one-sided bargain, would it not?—I do not think it is material, because it only lasts for three years; but assuming the arbitration to miscarry (which is a thing that has occurred before, and may occur again), if the arbitrator fixes the price below the cost price of the article furnished, unless you give the companies a *locus penitentiæ*, they will be compelled for three years to furnish at a price below the cost price.

1191. Mr. *Wilkinson.*] Do you believe that it will be in the power of the company to compel them to sell below the cost price?—I am afraid it will be held

held to be a Parliamentary contract, under which the local Board could sue and recover damages if not yielded. *R. Baxter*, Esq.

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1192. *Chairman.*] Then we come to clause 103; you propose that paragraph 3 of clause 103 shall stand as follows: "In cases where any company is established to supply gas within the district under any Act incorporating the Gas Works Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, or in lieu of such reduction, for the payment of all surplus profits to any public purposes, then if such company is willing, within a reasonable time after demand has been made to them by the local Board, to supply gas for any purpose required by the local Board, upon the terms specified in such Act or Acts, and in cases where no terms are so specified, then upon terms not exceeding the lowest price which for the period of three months next preceding the date of such demand shall have been charged by any such company to any private consumer, then such company shall be deemed to be willing to supply gas upon reasonable terms; and in cases where there is any gas company or person supplying gas, and such company or person shall not be authorised under any such Act or Acts as aforesaid, or shall prefer to go to arbitration, then if any dispute arises between the local Board and any such company or person as last aforesaid, as to whether the terms proposed by such company or person are reasonable, such dispute shall be decided by arbitration, in manner hereinafter provided; and any terms fixed by such arbitration and accepted by such company or person, shall be deemed to be reasonable terms." There are two propositions contained in this clause; the first is with reference to companies which have Acts containing certain provisions, and the other is with reference to companies or persons who may not have Acts at all, or have Acts which do not contain those provisions?—Yes.

1193. With reference to the first case, you propose that the parties shall be bound by the provisions of those Acts, and that in the second case they shall be bound by arbitration?—There is a third case. Under the first category there are two divisions. The first, where the Act specifies price; in which case they shall be bound by their Act. The second, where the Act contains a limitation and provides for reducing the rates, but does not specify the price, in which case they are to take the lowest price that they have during the three months preceding the demand charged to any private consumer.

1194. Mr. *Wilkinson.*] Do the words here "accepted by the company" refer to the terms which are to be proposed, or to carrying on the business itself?—The Committee will see that throughout these clauses the option is given to the company applied to to say, "We decline to furnish;" if so, the local Board must take its own means of furnishing; but if the companies are willing to furnish, the clause provides that they shall go to arbitration upon these terms. The arbitration being held, and the terms being defined by the award of the arbitrator, no doubt the company would be bound to furnish for the subsequent three years water or gas at the price fixed by the arbitrator. The only thing the companies desire is this; that if the arbitration should miscarry, and the arbitrator fix a price at which it is impossible for them to furnish water or gas, they should have an opportunity of declining it. As the section stands with those words struck out, there might be a suit at law for the fulfilment of their contract with the local Board, because no doubt submission to the award of the arbitration would form a contract binding upon the company.

1195. Mr. *Egerton.*] Then you wish, in the case of these gas companies, to introduce a novel feature in arbitration; because ordinarily when a person submits to arbitration he makes the arbitrator his agent, and is bound by the act of the arbitrator?—That would be true in a common case. Supposing I, as an individual, am asked whether I like to arbitrate or not, if I say, "I will arbitrate," I have no right in reason or equity to quarrel with the result of that arbitration; but here comes an Act of Parliament which perforce compels the company to do one of two things: either to refuse to meet the local Board at all, in which case the local Board makes its own works and supersedes the company, or to go to arbitration to fix the terms, in which case the company would either, as I understand the Committee now desire to view it, be bound to find the gas at the price fixed by the arbitrator. Then this clause says, that if the arbitrator has miscarried, and has fixed such a price that it cannot pay, the company would have the option of retiring, and still they would have to pay the penalty upon their retirement of the powers of the local Board coming into play to make works of

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their own, and supersede the works of the company. It must be borne in mind that this is arbitration by compulsion, and not by choice. If it were an arbitration by choice, the equity would be that they should be bound by it; but the company being under the necessity of going to arbitration, it is an arbitration by compulsion.

1196. *Chairman.*] Under the Bill, as it stands, the local Board has the power of constructing works. It is proposed that that power should be taken from the local Board, and that the local Board should fall back upon the existing company to obtain a supply of gas or water for the district, that existing company having got power from Parliament to supply that district with the article which they manufacture or ought to supply. That is so, is not it?—Yes.

1197. Then what you propose is this, that these companies having got Acts of Parliament, shall have the power of saying, "We will not supply," and when they say that they will not supply them, the local Board may construct works?—That is not the whole of the point. The point is this. The waterworks or the gas works have an Act, under which they may be called upon to make a supply to the district upon the terms specified in their Act, or the terms which the Act enables them to charge. If you leave them there without interfering with them they are bound to make the supply, and there is an end of the question. But you come in and say "No, we do not in your particular case, under the terms of your Act of Parliament, ask you to furnish to us upon the terms upon which you are furnishing to all the public around us, but we insist upon your furnishing to us upon terms to be fixed by arbitration." Then I put it to the Committee that this being an exceptional case, you could not equitably hold the company to its engagement to supply, since you are not willing to concede to the company the terms fixed by their Act, under which they are bound to supply. If you will take the water or the gas upon the terms of their Act, it is equitable that they should be compelled, according to the terms of it, to furnish a supply. But you do not do so.

1198. Mr. *Irton.*] Does not an arbitration consist of one person named by each party and an umpire?—It is so.

1199. Is it likely that arbitrators so appointed would fix terms that would not be remunerative to the gas company?—If the two who are appointed on each side cannot agree, then they are under the necessity of appointing an umpire, and as soon as the umpire is appointed, the whole thing is in his hands. Now, men are not only mortal, but men are subject to err. I have known cases occur under arbitration where the umpire has miscarried, and grievously miscarried, and such cases may occur again.

1200. But those are exceptions to the general rule, are not they?—Clearly. But it is just for the Committee to consider whether when you are in point of substance compelling the company to take arbitration against their will, it is not equitable to give them an opportunity, if that arbitration should be their ruin, to escape from that ruin.

1201. *Chairman.*] What would be the effect of this part of the clause, "If such company is willing within a reasonable time after demand has been made to them by the local Board, to supply gas for any purpose required by the local Board upon the terms specified in such Act or Acts." Supposing that there should be a maximum price, which we will assume 10*s.* a thousand cubic feet, what power would there be given to reduce that amount under that clause?—If they are supplying to the public at 10*s.*, they would have a right to ask from the local Board the same price. But if having a maximum of 10*s.*, they are supplying gas to the public at 5*s.*, they would be obliged to take from the local Board that which they are receiving from other people. They cannot charge different rates to different parties.

1202. Mr. *Greene.*] Under the terms of your proposed clause, suppose a company to have an Act of Parliament, and that there is a price specified in the Act of Parliament, and they charge that price, is that to be deemed a reasonable price?—It is subject to this general law laid down by the judges to which all railway companies are subject who have maximum prices, generally speaking, higher than are actually taken. The law is, that you are liable to an information in case you charge unduly or unfairly between one party and another. Supposing a carrier comes to a railway company, and says, "You have a maximum of 1*d.*, and you have been charging ½*d.* to my friend Mr. So-and-so, and I demand that you shall carry for me at ½*d.*," the judges have determined

determined that the company must carry for him at the same price which it is charging to the other party.

1203. The terms of your proposition are upon a demand "made to them by the local Board to supply gas for any purpose required by the local Board upon the terms specified in such Act." Now where the company have an Act of Parliament which specifies a price under the terms here used, will not that price be held to be a reasonable one?—I do not think that is the legal construction of this clause. It would not take the companies out of that general rule of law to which I before alluded, that they must charge equally to all parties. Under this language, they would be obliged to charge to the local Board precisely what they charged to the public, though that sum was very much under the maximum specified in their Act.

1204. Mr. *Wilkinson*.] But supposing the terms which have been charged during the period of three months antecedently to the application should be high, would you not then be leaving the local Board entirely without a remedy; because if the company charge the price which has been charged for the last three months, however high that price may have been, it would be deemed a reasonable price, and the local Board would have no power to act?—The contract is made upon the state of things which exists in each place. It will only be a contract for three years, and then it will be renewable; and during that period of three years, the whole of the agencies which operate to reduce the price of gas will be at work. With regard to gas, it is a subject which need be one of very slight jealousy, for nothing is easier than to institute competition in gas. It is not like water where you have to lay out a large capital in finding sources of supply. Gasometers are so cheap, and the whole apparatus is so cheaply put up now, that private competition will easily come into play in the matter of gas in any case in which companies have the bad taste to charge beyond what furnishes them a fair remuneration.

1205. *Chairman*.] Supposing the whole to be settled by arbitration between the gas company and the local Board, would not the effect be that the gas company would have the exclusive privilege of supplying that town with gas, and there would be no fair competition?—It would not necessarily shut out private competition, because the contract with the local Board would be merely for the public lamps, and though that forms a part it is not always a very material part of the supply, it would leave them open to private competition in every other respect.

1206. Supposing that there were a clause inserted in the Bill to the effect, that no street should be broken up under the management of the local Board, by any person for the purpose of carrying gas works, so long as the company supplied gas according to the terms of the arbitration, would not that meet your objection?—That is entirely a new proposition, and I am fearful of saying, without communicating with the parties, what their views would be upon it. It is a proposition that has never been stated to them at all.

1207. But supposing such a case should exist, as that of a company having an Act by which they have the power of charging an extravagant price per 1,000 feet for gas, this clause, if it is passed, will enable them to charge that extravagant sum for gas, unless you allow of an arbitration in all cases?—I think, with deference to the Committee, the only effect of this clause will be to compel the local Board to pay the price which is then actually charged to the public within the place. It clearly will not go further than that. If upon a consideration of the law, it should be thought that there is any doubt upon the law as to this point, there will be no difficulty in introducting words to prevent such an operation taking place, that is, to prevent their charging the maximum.

1208. Then, however it may be worded, the intention of the persons suggesting the clause is to this effect, that even should the company be empowered to charge a very high sum (say 10 *s.* per thousand feet) for gas, if the company should be actually charging only 5 *s.*, they should not be able to exercise the power of charging the high price which they are empowered to charge under the provisions of their Act?—Yes; I would rather express it in this way, that it should be understood that they are compelled to furnish to the local Board at the same price at which they are, under their local Act, furnishing to the public; and if any of the words proposed are considered to imply an opposite construction of the law, there will be no objection to have those words modified.

1209. Supposing this case, that there is a party empowered by the Act to

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charge 10 *s.*, and that they should at the time of the passing of the Act, or even now, be charging 5 *s.*, would they still be compelled to continue to charge 5 *s.*, or might they revert back to the charge of 10 *s.*?—They would still have the option of raising the price upon all the consumers beyond the price at which they are now serving it. Of course, the circumstances which have brought them down from 10 *s.* to 5 *s.* may operate to bring them down lower. On the other hand, if coals rise, and the expense of generating gas becomes greater, they may feel it necessary to raise the price from 5 *s.* to 5 *s.* 6 *d.*; but whatever rise they make must not be against the local Board only, but against the public generally.

1210. They would have the power of raising their prices, should they so think fit, from 5 *s.*, as is suggested, to 10 *s.*?—Under an Act which gives a maximum price of 10 *s.*, the company would legally have a right to raise the price to that amount; but the peculiar local circumstances which have brought down the charge from the maximum price to the price which is now taken, will continue to operate after this Act has passed, precisely as they have operated hitherto.

1211. Mr. *Greene.*] Is there any objection to alter the clause as you propose it, in this way: "That if such company is willing, within reasonable time after demand has been made to them by the local Board, to supply gas for any purposes required by the local Board, upon terms not exceeding the lowest price which, for the period of three months next preceding the date of such demand, shall have been charged by any such company to any private consumer," leaving out the words "upon the terms specified in such Act or Acts." Why should not you put those who are under an Act of Parliament, and those who are not under an Act of Parliament, precisely upon the same footing, and make the clause run thus: that whatever was the price paid by the parties for a period of three months next preceding the date of demand, that would be a reasonable price to charge to the local Board?—Yes; I think that would answer the purpose.

1212. *Chairman.*] Supposing a case in which a gas company should now be charging a high price, that is, 6*s.*, 7*s.*, or 8*s.*, or 10*s.* a thousand feet, and that by various appliances which art and science might suggest, or by means of railway communication, or other means, coals might be supplied at a cheaper rate, and gas might be manufactured at a cheaper rate, if we pass this clause in the form in which you propose it, the gas companies would continue, under the provisions of this Act, if they should so think fit, to charge the same high price which they charge now. Might it be modified in this way; that they shall continue to charge as they do now for a certain time, but that after that time the whole should be subject to arbitration?—That is the effect of the clause as it stands. Honourable Members may not be aware that none of these contracts last for more than three years; that is the term specified in the Act for which the local Board is to contract.

1213. That is, if there is arbitration?—No; if they contract for any of the works, they are to contract for three years. If there is no specification as to the period for which they may contract, they may contract for any term they please. Supposing a demand made to-morrow by the Board, the price which the company may be charging now will only bind the local Board for the period for which it chooses to make a contract. The local Board may contract for the gas for a twelvemonth, or two years, or three years; and when they make the next demand, the price will be settled by that which they got from the public for the three months preceding the second demand. It will be in the discretion of the local Board to contract for gas for what period they think proper.

1214. Supposing they should contract with a gas company for 7*s.* a thousand feet, and that the contract should run on for three years, and there should be no other gas company in the locality, and that at the expiration of that contract the local Board might desire to come to fresh terms with the existing gas company, and that by that time a railway should have come into the district which should supply coal at 50 or 60 per cent. less than the price of the coal at the commencement of the contract, and that, notwithstanding all that the gas company should say, "We will not reduce our price," what remedy has the local Board in that case?—The price to the Board will remain as fixed by the original contract until the expiration of the term of the contract. But that will not affect the price to the private consumer, and therefore will not affect the standard by which the next contract will be guided. The standard by which the next con-

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tract will be guided is not the price that has been charged under the preceding contract with the local Board, but the price that has been charged to the private consumer. Now, assuming the case supposed in the question that coal is brought into the district at half the former price, but that the gas company goes on charging their original price, they would immediately have competitors come into the field to form new gas works, because the profit would be cent. per cent. I trust the Committee will bear in mind that the agencies which are now pressing upon the gas companies, to reduce the price from year to year, will continue to press upon those companies as strongly as ever after this Act is passed. The only thing that is taken out of that agency is the mere supply for the public lamps for one, two, or three years, for which the local Board choose to contract

1215. Then I understand that the only remedy that the local Board would have against that exorbitant charge by the gas company would be this, that another company might come in?—And a very effectual remedy it is in the case of gas.

1216. Mr. *Irton.*] And they would have the power of making the contract for either one or two or three years?—Precisely.

1217. *Chairman.*] What objection would you see to this, that in all cases where the local Board may consider that the charges are excessive they may call for an arbitration, and that that arbitration should be conclusive upon the company which is established in the district, and *vice versâ*?—It would be a very great hardship upon companies who have laid out their capital, and had their terms fixed by Act of Parliament, and have a special contract with Parliament (as is the case with all who have adopted the Gas Clauses Consolidation Act), that they shall not take more than 6½ per cent. profit on their capital, and that when there is a larger profit the public may inspect their accounts and insist on a reduction of their rates,—it would be very hard upon them to deprive them of the benefit of the Act under which they laid out their capital, and compel them to go to arbitration; because arbitration, though it is the only mode you can resort to where people differ, and are independent of each other, is very unsatisfactory when your capital is laid out, and the question is what return you shall get for it.

1218. Admitting for the sake of argument that it would be unfair towards those companies which have inserted the Gas Clauses Consolidation Act in their Acts, what objection would there be to this, that those companies which have not inserted those clauses in their Acts, shall be subject to arbitration, or that they shall be brought under the clauses of that Act?—One of those results will be the effect of the clauses as they now stand. Those companies which have not brought themselves under the Gas Clauses Consolidation Act, or which have not under their Act provisions precisely similar, viz., a limitation of price and a limitation of profits, must go to arbitration, as the clauses stand.

1219. Mr. *Wilkinson.*] The adoption of those model clauses does not, in your opinion, protect those companies from competition?—Not in the least.

1220. Any other company is quite at liberty to set up in that district?—Always; the effect of the model clauses is to give to the public the benefit of any profits beyond the amount named in it.

1221. But as this Bill proposes to give to the local Board the power to erect gas works, which could be carried on by the aid of public rates, you think that against that unfair sort of competition the companies ought to be guarded?—Yes.

1222. But you do not propose anything further than that?—Nothing whatever; but merely that so long as the companies are prepared to supply gas upon reasonable terms, as here defined, that kind of forced competition shall not be brought into play against them, because it would not be competition, it would be destruction. The two things cannot compete. Works formed out of public rates would absorb all the consumers, and therefore ruin the old company.

1223. Mr. *Irton.*] The object which you have in view is this: that where the Act of 1847 is in operation, these companies should not be subject to arbitration; but that where that Act is not in operation, these companies should be subject to arbitration?—It is substantively so; but perhaps the Committee will allow me to explain that there are many companies which, though they were not formed since the Act of 1847, yet have provisions in their Acts analogous to those clauses which are put into the Act of 1847; the clauses are merely to the effect of limiting the profits and providing for the reduction of the rates; and

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where companies under those special Acts have the same clauses as are in the General Act, they should be put into the same category.

1224. *Chairman.*] Then what is proposed amounts to this, that all those companies which are subject to the Act of 1847 shall continue subject to that Act, the ratepayers having the advantages which are given to them under the provisions of that Act, and that the companies shall be compelled to supply accordingly the whole district; but that in other cases, where the Act of 1847 is not in operation, and is not embodied in their private Acts, the companies shall be subject to arbitration, or else they shall be subject to the Act of 1847; and that, with regard to those persons or companies who have carried out private enterprises, in setting up gas works without the sanction of the Legislature, they shall be subject to arbitration, as to the prices and terms, and so forth?—At present there is a little difficulty which I may mention to the Committee. I think there would be no objection on the part of the companies to the substance of the plan which the Right Honourable Chairman has just proposed. But there may be a little legal difficulty in carrying it into execution, for which we must provide. Now, I will take the case of Cambridge. There you have a company which is not under the Gas Works Clauses Act, but is under a local Act, which regulates the profits of the company, and provides that all the surplus profits shall go into the hands of the Improvement Commissioners for the improvement and public purposes of the town. Now, if that company is put under the Gas Works Clauses Act, the surplus will have to go in reduction of the rates. Of course it would be quite as satisfactory to the gas company that the surplus should go to the reduction of the rates, and more so than that it should go to public purposes; but they would be obliged to have a special Act of Parliament to transfer it from the one to the other. Therefore, the language would be that all companies who have already incorporated the Gas Works Clauses Act of 1847, or who shall before a certain date intimate, under their common seal or in writing, that they are willing to adopt that Act and be bound by the clauses thereof, shall take the first class of prices; but that all others shall go to arbitration.

1225. Mr. *Wilkinson.*] What remedies would parties have, under the proposed clause, to whom an excessive price had been charged for the last three months, where, for example, an individual had established gas works without an Act of Parliament?—In the case mentioned of an individual making those charges without an Act of Parliament, it would come under these clauses under the head of Arbitration, and it would not fix the local Board with any charges which had been made as a precedent.

1226. *Chairman.*] Will you state the words which you propose?—"In cases where there is any company established to supply gas within the district under any Act incorporating the Gas Works Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, or which shall signify in writing under its common seal, addressed to the General Board its willingness to adopt the Gas Works Clauses Act, and to be bound by the provisions thereof;" then it will run on as in the words of the clause which I proposed before, "then if such company is willing within a reasonable term," striking out the words, "or in lieu of such reduction for the payment of all surplus profits to any public purposes," and it will run thus, "then if such company is willing within a reasonable term after demands has been made to them by the local Board to supply gas for any purpose required by the local Board, upon terms not exceeding the lowest price, which for the period of three months next preceding the date of such demand shall have been charged by any such company to any private consumer, then such company shall be deemed to be willing to supply gas upon reasonable terms."

1227. Supposing the company were to say, "We are not willing"?—A provision against that runs throughout the whole of the clauses. The moment they say, "We are not willing," then they bring into play the whole power of the local Board to construct other works.

1228. Mr. *Knight.*] Or to authorize any one else to come in?—Or to authorise any other company to come in.

1229. Mr. *Wilkinson.*] Might not what both the Committee and the gas companies desire be more simply obtained. Is not the only thing against which the companies desire to be protected, the unfair competition of local Boards, whilst the companies charge what might be deemed by arbitration to be a fair price under the circumstances?—That is precisely what the companies wish, and nothing

nothing more than that. These clauses are the result of communication with every part of the kingdom, and they have been modified from day to day to avoid difficulties in peculiar localities, which have come up day after day, and post after post. It would be impossible to frame words to meet every case, and I think the clauses as now framed would meet the case generally, and do no more than is proposed.

1230. *Chairman.*] Supposing the Committee were to adopt the clause as last amended, and to insert these words "signify, or shall signify, in writing under its common seal its willingness to adopt the Act of 1847, and to be bound by the provisions thereof;" and that, further, a provision were introduced into the Bill, to the effect that where a gas company should not be willing to furnish accord ing to the provisions of this clause, then the local Board might by itself, or by a delegated authority, erect gas works, in order to compete with those companies. To that of course there would be no objection on the part of the companies after they had declared their unwillingness to supply upon the terms?—That is the effect of the Bill as it stands.

1231. Then we go further than the Bill as it stands does, because it is proposed that the local authority should delegate to others the powers which might accrue to themselves, so as to prevent the local Board from engaging in speculation, by allowing them to introduce another party into the district for the purpose of taking up the speculation of establishing works?—I think that if the existing companies have conceded to them what the Committee now propose, they will be protected, so long as they are able to supply the district, they will have no right to complain of anything the Board may do.

1232. Mr. *Egerton.*] Do you apprehend, from your knowledge, that most of these companies will come in under the Act of 1847?—I think so.

1233. *Chairman.*] Will you be good enough to read the clause as you now propose it should run, inserting those words with reference to the adoption of the Act of 1847?—"In cases where any company established to supply gas within the district, under any Act incorporating the Gas Works Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, or which shall signify in writing, under their common seal, to the General Board, its willingness to adopt the Gas Works Clauses Act, 1847, and to be bound by the provisions thereof; then if such company is willing, within a reasonable time after demand has been made to them by the local Board, to supply gas for any purpose required by the local Board, upon terms not exceeding the lowest price which for the period of three months next preceding the date of such demand shall have been charged by any such company to any private consumer, then such company shall be deemed to be willing to supply gas upon reasonable terms. And in cases where there is any gas company or persons supplying gas, and such company or person shall not be authorized under any such Act or Acts as aforesaid," then we must insert, "or to give such notice as aforesaid under its hand," or "under the common seal," as the case may be; "then if any dispute arises between the local Board and any such company or person as last aforesaid, as to whether the terms proposed by such company or person are reasonable, such dispute shall be decided by arbitration in manner hereinafter provided, and any terms fixed by such arbitration shall be deemed to be reasonable terms; but such arbitration shall at the option of either party be renewable upon the expiration of every term of three years; and it shall not in any or either of the cases aforesaid be lawful for the local Board to construct, take, or purchase any gas works within the limits any such company or person is so willing to supply." I have an impression that under the Act the local Board is limited to contract for a period of some two or three years. But if that should not prove to be so, the Committee would not object to the contract under the first class of cases being limited to two or three years, so that in case of the prices being unduly low, they should not be fixed for more than two or three years.

1234. Do you see an objection to adding these words, "such notice to be given within six months after the adoption of the Act by any locality, and with reference to any localities which have adopted the Act within six months after the passing of this Act"?—I see no objection to that.

1235. Now we go back to the water companies clauses. In clause 100, in paragraphs 1, 2, and 3, you propose that the word "waterworks" should be changed to the word "works"; I apprehend that you mean that the local Board shall

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shall have the power of constructing local works by which water may be supplied?—It was mere matter of caution; the Act gives a very large definition of the word "waterworks."

1236. What would be the effect of striking out the word "water"?—It merely designates them by the word "works" instead of "waterworks." The word "waterworks," as printed in the original Bill, had a very large sweep, and the companies were probably afraid of its bringing in other things. In the original Bill it stands, "Waterworks shall include streams, springs, wells, pumps, reservoirs, cisterns, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, engines, and all machinery, lands, buildings and things for supplying, or used for supplying, water; also the stock in trade of any waterworks company." We do not want the clause to come under that definition of the word; that was all. But the Committee see that it makes no difference in the effect of the Act as to actual transfer.

1237. You propose that paragraph 3 shall stand, "The local Board may construct any number of new wells or pumps for the gratuitous use of the inhabitants of the district, or purchase by agreement the surrender of any lease of existing works the reversion in which is now vested in a corporation, or a corporate town, or any local Board or Commissioners for public purposes, but they shall not carry or supply such water to private houses nor for trading purposes." The object of that is, that where there are works belonging to an existing local body, and those works may be leased to some company or other, they may have the power of determining the lease if they shall think fit?—Yes.

1238. Then paragraph 10 of the same section, you propose to run thus: "If there is any company or person authorised by any Act of Parliament or charter to supply, or failing such company or person so authorised, if there be any person then actually supplying water within the district able and willing to furnish upon reasonable terms, a sufficient supply of water for the purposes hereinbefore mentioned, the local Board shall demand from such company or person, and contract with them or him for such supply." That would admit of the consideration with respect to those authorised by Act of Parliament and those not authorised by Act of Parliament?—Yes; it is intended that both shall be included.

1239. Then you propose that paragraph 11 shall be struck out, and that the following paragraph shall be inserted: "In cases where any company is established to supply water within the district under any Act incorporating the Waterworks Clauses Act, 1847, or under any other Act limiting the profits of the company, and providing for the reduction of the rates, then if such company is able and willing, within a reasonable time after demand has been made to them by the local Board, to supply water reasonably sufficient for any purpose required by the local Board, according to the terms specified in such Act or Acts, then such company shall be deemed to be able and willing to supply water upon reasonable terms, and without prejudice to the maintenance or construction of such wells or pumps as hereinbefore mentioned, it shall not be lawful for the local Board to construct, take, or purchase any waterworks within the limits such company is so willing to supply"?—In that clause I also suggested this: "Or if no terms for supplying water for such purpose be therein specified, then according to the terms specified in the Waterworks Clauses Act passed in the year 1847, with reference to the supply of water for the same or the next adjacent district." I mentioned that that applied more particularly to the case of Chelsea, which, with respect to water to be supplied for public purposes, has not got a price fixed by special Act of Parliament.

1240. Mr. *Greene.*] With respect to the end of clause 10*a*, supposing there are two companies in the same place, you seem to say if they apply to one of them, they shall not be at liberty to purchase of the other. Would not that be the effect of the last words of the clause?—I apprehend that under this clause the local Board would be obliged to apply to both. It says, if there be any company existing, it must be applied to; if there be two or three or more companies existing, they must all be applied to.

1241. It says, "within the limits such company is willing to supply;" under those words, if the local Board make a contract with one of the companies, are not they precluded afterwards from contracting with the other?—Lord Brougham's Act will carry the singular to the plural, and the plural to the singular in all cases.

1242. *Chairman.*]

1242. *Chairman.*] In paragraph 10, you make it compulsory upon the local Board to contract with the existing company; that is the first point. Then the question is, how far the terms of that contract will be fair to the local Board. Will you show how you propose to carry out that provision, so as to secure that the contract shall be a fair one for the public, as regards the price and so forth?—With regard to water companies, the case differs exceedingly from that of gas companies. I do not know any water company that is incorporated without the terms of supply to individuals, or to the whole district being specified. With respect to gas companies, there are many cases in which no price is specified; and even the Gas Clauses Consolidation Act merely says that the company shall agree with the occupiers without mentioning any price. But in the case of water companies, Parliament has always made it a rule to fix the price precisely upon the same rule by which railway rates are fixed. As regards the metropolis the matter was gone into by the Committee in 1851 and 1852.

1243. Mr. *MacGregor.*] Does not the same question arise about the maximum price fixed by the Act; do not these terms "according to the terms specified in such Act or Acts" admit of the company charging to the local Board its maximum rate, while it may be charging to the public a reduced rate?—No, they could not do that, for the reason I explained. A railway company cannot charge to one person more than they charge to another, although the second charge may be very much under the maximum. The courts of law will prevent a company charging varying rates.

1244. Would a difference of charge be justifiable, upon the ground of equity, for this reason, that the company might have to expend a larger amount of capital to supply the local Board than they would require to supply individuals?—No, I do not anticipate that; they will be obliged to charge everybody upon the same footing.

1245. *Chairman.*] We do not think this clause as it is proposed now will protect the public sufficiently; paragraph 10, as you propose it, says positively that the local Board shall demand from the company or person a contract with such company or person for a supply; so that the local Board would have no power whatever but to do that. Then how is the public to be protected from exorbitant charges, supposing that the Acts of Parliament under which these companies are constituted should allow them to make extravagant charges?—You cannot assume that the authority given by Parliament is in excess as against the public. The Waterworks Clauses Act, to which this class of cases refers, puts these companies under compulsion to furnish water to any new part of the district where new houses may be built, upon a requisition of the inhabitants, but that is entirely again upon the terms of supply specified in the Act. The general terms specified are five per cent. or six per cent. upon the rental value of the houses up to a certain point, and three or four per cent. upon the rental value of houses above a certain value; those are the general terms which the Legislature has fixed, but in every one of these Acts the terms are as specifically settled as in every Railway Act.

1246. Is that the case in all Water Companies' Acts, no matter how old they may be?—I have never met with any case of a water company in which all the terms of supply are not specified in the Act.

1247. Mr. *Irton.*] That is the maximum price?—It may be called the maximum, because what is mentioned in the Act is the maximum; but it is the precise terms under which they are to supply.

1248. Mr. *Greene.*] Are not, generally speaking, the terms far below what are mentioned in the Acts?—I think not.

1249. *Chairman.*] Why should not all these companies be brought under the Water Companies Act of 1847?—I think they are so in this clause. There would be no objection to put here, "in the case of any gas or other company giving notice of their willingness to comply with the Act."

1250. Mr. *Wilkinson.*] You have already said that the whole object of the companies, both gas and water companies, is to be protected from the unfair competition which it is manifest that the local Board, under these circumstances, might be enabled to set up?—That is so; only that.

1251. Then do not you think that a slight alteration of the printed clauses which you handed in the other day, and which were intended to defend the companies against unfair competition, would effect that object without this cumbrous machinery which we are discussing?—No; the two things are entirely different.

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different. These clauses are enabling clauses, enabling the local Board to originate works for local improvements within their district. Those clauses are protecting clauses in favour of existing companies as against the acts of the local Board, including the exercise of the powers by the printed clauses proposed to be given.

1252. But if it were enacted in this Bill that the local Board shall not be put into action for the purpose of creating a supply whilst there are parties either in existence, or who might be called into existence, who would do those things by contract, and who must therefore get a profit out of it, would not the companies then be sufficiently protected, seeing that all they desire to be protected against is, that sort of competition which can go on without profit?—I think the clauses, as I have read them, are as short and terse as could be framed with reference to the object we aim at. Those clauses will be merely for the guidance of the Board of Health, after the powers of the Act, enabling them to erect gas works or to erect waterworks, came into operation. I am afraid you could not engraft into those clauses protection for the old companies.

1253. Might they not be made prohibitory of the local Board interfering whilst there were joint stock companies in existence who could do the work by contract?—These do that in effect: but they must do it in combination with the protection of the public.

1254. Mr. *Langton.*] What do you mean by the words in clause 10 *c*, "or whether the purposes for which it is required are reasonable"?—The object is to meet a case which has occurred in practice. The Committee perhaps will be astonished when I tell them that a local Board has given notice that they want so many thousand cubic feet of water per minute for local purposes, the fact being that they do not want one-tenth part of what they demanded; but they demanded so much, that the company at the time they made the demand were obliged to say that they could not supply it. That was the mode adopted by the local Board of bringing their own power of constructing works into operation. This clause is intended to prevent such a case as that occurring. The only intention is to prevent the local Board from making an extravagant demand beyond what the case requires, and to give the company power to go to arbitration if they do.

1255. *Chairman.*] We will now turn to the printed clauses which you handed in on Monday. Will you be good enough to explain the sixth section?—This was to meet a case in which the local Board have gone on giving a supply of water or of gas to their district, but doing it at a very great loss, which has to be made up out of the general rates. Now it is very unfair that water or gas should be given to the public, and part of the expense of that water or gas be paid by people who neither want water nor gas, namely, out of the general rates. And the object of this clause is to compel the local Board to throw upon the parties who use it the expense of furnishing it.

1256. So that there would be a special district rate for the district benefited, and not a general district rate to extend over the whole of the district, part of which may not be benefited?—It goes further than that; it goes to the effect that where the local Board is furnishing private houses with gas, it shall charge such a price for that gas as will pay the expense of it; that they shall not make the general rates supplement the expense of gas, because *non constat* that a gentleman desires to use gas at all; and it is hard that you shall pay out of the rate for gas furnished to him which he does not want. Of course he pays his part for the public lamps.

1257. Mr. *Wilkinson.*] Would such a clause *quantum valeat* be a protection to existing companies?—No; these clauses will not come into effect till existing companies are bowled out of the field; this is only a protection against a certain class of ratepayers being charged for what they do not want.

1258. *Chairman.*] We will pass on to the 7th section; what do you propose by that?—That is, "In case any such undertaking shall for three years in succession incur a loss, it shall be incumbent on the local Board to take measures in manner aforesaid to sell and transfer such undertaking to a company upon the best terms that can be obtained." That is, that it shall be declared by Parliament that the local Board shall not go on affecting to undertake the supply of gas or water, unless it can make it answer as a commercial transaction; it shall not continue to do that which is guarded against by the 6th clause, because it is clear that if a loss appears upon the balance of the accounts the loss must be paid

out

out of the balance of the general rates; and that persons who have pumps of their own, and who do not want water, are compelled to pay for the water furnished to others who do; and so people who do not want gas are compelled to pay for the gas furnished to others; and this applies to a case where the local Board are not only furnishing water or gas for public purposes, but to propose to furnish it privately. Such a loss can only occur from continued mismanagement. Of course the most difficult thing in the world is to prevent a Board from mismanaging such a concern, or working trading matters at a larger expense than an individual would do.

1259. But are you not proposing to make that compulsory upon the local Board which is not compulsory upon a private company. Because we may assume that there are some companies which may not for three years derive benefit from their undertaking, and you are going to compel the local Board, who may have constructed works for the benefit of the district, even at a loss, to sell those works; whereas a private company who may have constructed such works, and yet may have a loss thereby, are allowed to go on?—You may be sure that if a private company for three consecutive years after its works are formed and are in operation could not show a dividend to the shareholders, that company would speedily be dissolved; if not, it would be a case of bankruptcy, and be wound up.

1260. Mr. *Greene.*] At all events they should be able to pay their expenses?—Yes.

1261. Mr. *Wilkinson.*] would not this clause to a great extent give protection to the rights of private interprise?—Incidentally it would protect private enterprise, and give protection as against a system of mismanagement, not to say jobbing, on the part of the local Board, by providing that if they did not, like men of business, make both ends meet upon their balance sheet, they should give it up as a thing which they were not capable of managing.

1262. Mr. *Irton.*] Do you think that this clause would frequently come into operation if the local Board had the power of originating a company without the expense of an Act of Parliament?—It would come into operation I think universally if these clauses were passed. I think that almost universally the local Board would try to make a bargain with men of business as a commercial transaction, instead of attempting to trade themselves in a matter with which they were not competent to deal.

1263. You do not think that any local Board would endeavour to originate works of their own, where they had the power of delegating it satisfactorily to other parties?—That depends very much upon the hands into which the Committee choose to put the management of the Bill when it is passed. If the Bill stands as it is proposed now, giving the whole power to a certain class of voters, that no doubt would cause jobbing of an extensive character, and it would be perfectly possible for the classes of persons holding houses to have gas supplied to them at a small amount of charge, and the balance charged to the general rates.

1264. Lord *R. Grosvenor.*] Cannot you conceive the case of a district which it might be very advantageous to light with gas, and where the local authority might take upon itself to make the supply, and yet where it would not return very good interest, and consequently a small loss might be permitted to fall on the community at large?—If the loss be small, the slightest per-centage added to the rate will immediately cover it. And with regard to gas, it is so common a thing now, and gasometers and the apparatus for forming it are so exceedingly cheap, that if they miss their way in the supply of gas they must be bad managers indeed, and they ought not to be permitted to go on attempting that which they do not understand.

1265. *Chairman.*] As to section 8, what do you propose by that section 8?—That again is to prevent injustice. It states that the rates charged with the expense of such supply shall only proceed from the district which is actually supplied, and that if you supply one-fourth of the town you shall not charge the expense of construction upon the whole town.

1266. Are there any other suggestions to which you desire to direct the attention of the Committee?—I was asked whether I had considered the form in which the repeal of the statutes inconsistent with this Act might be effected. I would suggest a section of this kind: I would suggest that section 23 should be modified by inserting after the word "obligations," in the first line, "for effecting any of the purposes of this Act;" so that, if there are any powers existing

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under any Act of Parliament for effecting the same purposes that this Act proposes to accomplish, those powers shall be transferred to this Board. Then, instead of section 24, which proposes to repeal wholesale any Act which may be inconsistent with the terms of this Act, I would suggest this clause, which gives the Board the power that I meant to suggest the other day: "Upon the adoption of this Act by any place, the General Board may, on application from the local Board, make an order for the repeal of any provisions of any public local Act in force within such place that are inconsistent with the provisions of this Act, under such modifications and with such conditions and provisions as may in the opinion of such General Board be necessary; and notice of such order, and of the intention to apply to Parliament to confirm the same, shall be advertised for three successive weeks in some newspaper circulating within such place, with notice that the order is laid; and such order shall be laid at the office of the local Board, and shall be open to the inspection of all persons; and the General Board shall receive and consider any communications which may be addressed to them with reference to such order, and may vary the same, provided that notice of such variation shall be advertised for two successive weeks; and such amended order shall lie and be open to public inspection, at the office of such local Board, for such period; and such order, if and when confirmed by Parliament, with such variations as Parliament may think fit, shall have the force and effect of an Act of Parliament." The advantage of this, as I stated to the Committee, would be, that this would enable an Act to be repealed or modified in a practical manner, without injury to private interests or to local interests, at the same time that it would remove effectually all obstruction to the due execution of the Public Health Act.

1267. Would not the effect of this be to run it over a very long period of time. First of all, it must be advertised in the newspapers in three successive weeks, that will take at least five weeks for the advertisement, and the notice to the district; then there is to be a reconsideration of that provisional order, if necessary, that is to go into two other newspapers, thereby taking three weeks or a month more; could anything be suggested that would take up less time?—It would occupy probably two months; but when it is considered the Act of the Board of Health is generally brought in towards the close of the Session, I do not think it would create any practical difficulty. The danger of legislating in haste is, that some important interests may be overlooked, and it is better rather to be too slow than to be too hasty in matters of legislation.

1268. Mr. *Irton.*] You propose that the local Board shall suggest to the General Board what portions of any existing local Act, they think it desirable to repeal?—Just so; and these notices would make known to the public that the provisional order was lying open in the place, so that everybody interested would have an opportunity of being heard.

1269. *Chairman.*] Have you any other matter to mention to the Committee?—I have also framed a short clause upon the subject of taking land by compulsion. In section 108, in lieu of paragraph 2, "The local Board shall not put in force any of the powers of the Lands Clauses Consolidation Act, in relation to the compulsory taking of land unless, or until, they shall have first made application to the owners and occupiers thereof, and failing agreement, shall have laid before the General Board the particulars of the land, with the reasons and objects of the purchase; and such General Board, after communication with the owners and occupiers, shall think fit to make a provisional order enabling such local Board to take the same, and such provisional order shall have been served upon such owners and occupiers, with notice that the same will be presented to Parliament for confirmation, given before the introduction of any Bill for that purpose, and such provisional order shall be confirmed by Parliament." Those steps are to be taken before the land is taken by compulsion.

1270. Is there any other point which you wish to bring before the Committee?—I mentioned the other day an opinion as to the relative number of houses that were above 10 *l.* and under 10 *l.* I have since looked at the Returns received by Lord John Russell, and I find that, practically, the houses under 10 *l.* value are two to one as compared with all those which are rated at 10 *l.* value, and upwards.

1271. Mr. *Egerton.*] Taking the whole of England and Wales?—Taking the whole of England and Wales. I have here a statement of that Return, which I will hand in.

[*The*

[*The same was delivered in, and is as follows:*]

ENGLAND AND WALES.

Number of persons rated to the poor at 10*l.* and upwards exclusive of represented towns		525,465
Number of 10*l.* householders on the register of represented towns		363,375
		888,840
Total number of inhabited houses in England and Wales		3,278,039
Inhabited houses	3,278,039	
Rated at 10*l.* and upwards	888,840	
	2,389,199	
Assume 10*l.* householders in represented towns to be 50 per cent. beyond actual voters, it would add to the above sum of 10*l.* houses	888,840	
	181,687	
363,375		
181,687	1,070,527	
Which still would leave the houses below 10*l.*	2,207,512	
Or two to one.		

(*The Witness.*) I was also asked as to the manner in which the guardians are now elected. I see it is upon a scale of voting giving one vote for each 50*l.*, up to 6 votes. I was asked whether it was possible, in voting by voting papers, to provide for their being fairly delivered; I have since considered that.

1272. Mr. *Egerton.*] And also fairly filled up?—It appeared to me that if the returning officer named in the Bill were directed to appoint two scrutators for each section, and the district were divided by him into convenient sections, and it was the duty of those scrutators to see the papers were delivered, and the Act were to declare that they should take means to identify such papers, and the messenger by whom delivered and received; and any person deceitfully withholding the delivery or receipt of such paper, or in any manner interfering in such poll with the purpose of preventing a correct return of such papers or votes, shall be guilty of a misdemeanor; that would effectually prevent such misconduct. And then it should be provided, further, that after the return is made the poll-book shall be arranged alphabetically, and shall lie at the office, so that each man in the place may have an opportunity of seeing how his vote was registered. The effect of that would be, that if his vote was registered wrongly, he would immediately come down upon the person who had registered it, and then the scrutators in the one case, and the voter in the other, could report it, and it might be punished.

1273. Mr. *Irton.*] Would not a penalty be better than making it a misdemeanor?—It is better to make it a misdemeanor, because the law would apply the remedy to the degree of crime. If it is a mere nothing, nobody would take the trouble to prosecute; if it is a very grievous case, in which there has been a conspiracy of a very gross character to defraud, then the judges would imprison, perhaps, for six months. It gives the judges the power of saying that it is a case in which they may impose a fine of 1*s.*, or that it is a case in which the man should be put in prison six months.

1274. *Chairman.*] Would it not be better to give a more summary mode of proceeding against the party, and of conviction, and in case he is proved to be guilty?—Either course would do if there is a legal penalty attached. I have drawn up clauses about the election, and embodied in them a provision in case the election were to go according to the majority in value instead of the majority of votes. That is most important, as a public question, which appears to grow out of this Bill. This being a matter of local management, I think, properly, it should be taken out of political influence, and taken out of the influence of

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everything that will excite popular feeling; and if the voting is by value, and the result goes according to the majority in value of those who pay rates, as all the things that are to be constructed are to be paid for out of the rates, it will take it out of all political movement, and make it a mere matter of business with reference to property, without being subject to the difficulties that always arise where political matters enter into it.

1275. Will you read the section you propose?—"The votes of the ratepayers at every poll shall be and be taken as follows: the owner as well as the occupier shall be entitled to vote;" that is the case now in the election of guardians; "and any person, both owner and occupier, may give a double vote;" that is also the case in the election of guardians; "so many scrutators shall be appointed by the returning officer as he may find convenient; the district shall be divided into so many sections as shall supply one section for every two scrutators; the returning officer shall prepare the form of voting paper, and the scrutators shall cause such papers to be left at each house, addressed to and requesting the signature of each rate-payer named on the last levied rate-book, and shall cause such papers to be called for on the succeeding day, and shall take means to identify such papers, and the messenger by whom delivered and received; and any person deceitfully withholding the delivery or receipt of such paper, or in any manner interfering in such poll, with the purpose of preventing a correct return of such papers or votes, shall be guilty of a misdemeanor; the signature of the voter, or, if non-resident, of his agent on his behalf, shall be necessary to the validity of the vote; the returning officer shall, upon the receipt of such voting papers, cause the same to be entered in a poll-book, and shall register against each name the rateable value (any fraction of value less than 10*l.* being reckoned as 10*l.*)" (I will recur to that again presently, if the Committee will allow me) "of the property of which such voter is the owner or occupier, in the case of elections, under the name of the person or persons in whose favour such vote is given, and in other cases for or against the resolution proposed, and shall cast up the whole, and the majority of votes shall be deemed to have been given to the person or persons in whose favour, or, as the case may be, for or against the resolution proposed, for or against which the largest rateable value shall be so registered as aforesaid; the result of such poll shall be declared by the returning-officer not later than the day following the close of the poll; and after such declaration, he shall cause the votes to be alphabetically arranged and entered in a register, which shall be kept at the Board-room, and shall be open to the inspection of every ratepayer." The Committee will observe that I have said here any fractional value less than 10*l.* being reckoned as 10*l.* The effect of this would be to throw a little more weight into the scale of the lower voters.

1276. The effect of this clause would be that the owner as well as the occupier of premises would have the power of voting, that is, that if a person has a house of the value of 10*l.* he should have a vote *quoad* the value of 10*l.* as the owner, and that the tenant should have the right of voting for the 10*l.* of rent; therefore the same property would have a double vote?—Yes, as is the case in the election of guardians at present.

1277. Then the next material point is, that the largest rateable value shall determine the adoption of the Act?—The adoption of the Act is a very small and unimportant matter. The election of the parties who shall permanently carry the Act into execution is a most material point; and if the Committee can devise such a mode as will isolate the management entirely from all politics and all contention, by making it a mere matter of property, it will achieve a great thing, and secure much better management. If the management be given into the hands only of a part of the ratepayers, and of those who pay the least portion of the rates, the Committee will readily see that it is open to many disadvantages, and to much jobbing. If the power of management is precisely co-extensive with the liability to pay, it seems most equitable, and nothing can be done without the majority of those who pay being willing and concurring in the Act which is proposed.

1278. May not this question arise, that a person may have let his house for a few years, he as the owner of that property would have the power of voting. An improvement may be suggested in the town to which the ratepayers may assent, but inasmuch as he (the owner) may not have the power of increasing the rent of his tenant, and still would be liable for the rate which would be levied, might not

not it be an inducement to him to vote against an improvement which is desired by the tenant?—Of course the case that is put may arise, and on the other hand other cases will arise of a more important character. The result of experience in the working of these bodies was most extensively gone into in 1851 and 1852 before a Committee, of which in the first year Sir James Graham was the chairman, and in the second Mr. William Beckett, and there were brought before that Committee cases in which the management of the localities was thrown into the hands of the lower class of voters, particularly in corporations, and where it was made a point upon the election of every man, "Will you vote for water, or will you vote against water?" and the man was elected or not according as he promised to give his vote. So that that question which ought to have been merely a question of property and health, without any regard to politics or public discussion, was made a matter merely of politics, and the works were prevented altogether from being carried into execution in consequence.

1279. From the fear of increased taxation?—Yes.

1280. Mr. *Irton.*] How would you obviate that feeling arising in any town; would not every town be liable to feelings of that kind?—Yes, but you cannot make a feeling of that kind pervade all the owners of property, as you may make it pervade a particular class. There are popular arguments which actuate and influence the lower class of ratepayers which could not be presented at all to the upper class of ratepayers. In point of fact, the aim of this Bill should be to draw out within each particular neighbourhood those persons conversant with business, and most able to carry into effect the several objects of the Act; and it assumes that you are not to come under any class influence in the management.

1281. Mr. *Egerton.*] Many of the owners would be absent; would not that create a great difficulty?—I do not think it essential that the owners should have a vote as well as the occupiers. I should be quite content that the occupiers should decide it, so long as the matter is determined by the majority in value instead of the majority in votes.

1282. Mr. *Irton.*] And confined to the ratepayers of the locality?—Yes.

1283. Mr. *Knight.*] You would add up the two columns, both the value and the votes?—I would add the value instead of adding up the votes.

Mr. *George White*, called in; and Examined.

1284. *Chairman.*] ARE you Clerk to the local Board of Health at Epsom?—I am.

1285. Are there any points to which you desire to call the attention of the Committee, with reference to the Public Health Bill?—The object which I had in attending the Committee this morning was to show the difficulties in which the local Board of health, for whom I am concerned, are placed, in order that some practical lesson may be derived therefrom, and that some suggestion may be made for improving the Bill as it stands in its present shape; and I am also prepared, from having taken an active part in the working of the Act of 1848, to afford the Committee suggestions on any branch of the subject that they may desire. I propose, in the first instance, to limit my observations to the Boards as at present constituted. I would suggest that the Boards which are already in existence should continue so without coming under the provisions of the Bill, as it originally stood. It is proposed there to go through a certain course, in order to ascertain the views of the parties in the locality as to the adoption of the Act. Now, I apprehend that that would be attended with a great deal of difficulty.

1286. Do you propose that the existing local Boards should have the power of adopting the new Bill, or that they should come positively under the new Bill?—My suggestion is, that the present local Boards should not be interfered with, but still that they should come under the operation of the new Bill.

1287. That the new Bill should apply to them, and supersede the old Bill?—Yes. I make this suggestion for this reason: the present Boards have entered into numerous engagements to a very great extent, and have incurred liabilities, and will be subject to those liabilities from time to time, as the exigencies of the case may arise. If the local Boards are not to be continued under the present system, all the difficulties which would attend a change of system will immediately arise; and in order to prevent those difficulties, I propose that the local Boards should remain as they are at present constituted, and should carry on their functions under the new Bill instead of under the old one. The Committee will bear

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bear in mind that Boards, as at present constituted, have in many cases carried out the whole of the public works. In several districts those works have to be carried out, and Boards have entered into all their arrangements, and have borrowed money, and subjected themselves to liabilities; and if they are not continued in their present state, of course a variety of questions will arise, and those Boards will be carried into a great deal of litigation; and they will be unable to get rid of that till some considerable time, and until it is seen how the new Act will work.

1288. Mr. *Irton.*] Do you mean that you have reason to think that if it is subject to popular election, the old Board will not be elected?—I am not prepared to say so, because I think under the present system of election a very fair representation can be obtained, and I do not think there has been any practical difficulty in carrying out the present mode of election.

1289. *Chairman.*] Will you go to the next point?—Another very important object is the division of the district; I understand (I do not know whether I am rightly informed) that the Committee have come to the conclusion that local Boards shall be compelled to divide the district, so as to limit the operation of the Act to places within the immediate limit of the public works. Now in the district that I represent that would prove a great hardship, and for this reason; when the Act of Parliament was put in force in the district, the Board, before they took upon themselves the administration of the Act, were advised that they had the power under the Act of Parliament to constitute the whole of the parish into a district. In the district in which I live, it appears that the rateable value of the property as assessed to the poor rate is about 20,000 *l.*, and that the rateable value of the property as assessed to the special district rate (provided that district were to run over the whole parish), would be about 16,000 *l.*; then if the district were limited to the mere lighting district, the rental of the property would be about 12,000 *l.* It also appears that out of that rental there is not more than 4,000 *l.* which represents land by itself which is separately assessed, and which therefore forms a small portion of the whole rental of the district, somewhere about one-fifth part; and the Board considered, that owing to the peculiar situation of the place, the state of health as it then existed, and other circumstances, it would be prudent and proper to extend the operation of the Act over the whole district.

1290. It has been suggested to the Committee, and they agree very much in the suggestion, that where works shall be executed by any portion of a general district for the benefit of that portion of the general district, that portion only should be chargeable for the expense of those works, and that the rates for them should not be levied over the whole of the district?—It would be difficult to say how far that principle could be applied in particular localities. I will mention this locality in particular: as far as the sewerage is concerned, it may be true that it can be only carried to a particular portion of the district, but then, by the Act of Parliament, the local Board is bound to provide water in the district, and that water, in most parts of the district, can be applied to the uses of the general inhabitants of the place. I do not see how a distinction is to be drawn between making a provision for sewerage and making a provision for water, or any other matter. I would venture to suggest to the Committee that a provision of that kind, if it is to take effect at all, ought to take effect only in districts which are newly formed. Existing districts have gone to great expense, which they would not have incurred if such a provision had existed. In the locality which I represent I may state what has taken place: when the Act was first brought into force in the parish, it was intended to incur a limited expense; the Board, acting under the advice of their engineer at the time, proposed to form a sewerage by a pipe drainage. Several meetings of the inhabitants were called, and very pressing remonstrances were sent to the local Board of Health, complaining of the insufficiency of that mode of draining, and the matter was referred to their engineer; and after a great deal of consideration and discussion, it was agreed by the Board to form a brick sewer throughout the district. That very much increased the expense; I dare say altogether that that and the consequences arising out of it doubled the expenses which would otherwise have been incurred. The parish is very large, and the houses are spread about outside the town in different directions; there may be perhaps the eighth of a mile between one house and another; in some cases it is less, and in some cases it is more. In order to provide for the expenses which were attendant

upon

upon the change of plan, the Board considered that it would be only fair to constitute the whole parish into a district. And if the parish which I represent, and other places which are in a similar position, are not protected under the new Bill, the result of it will be this, that expenses that have thus been incurred to a very great extent will altogether fall upon a small part of the district; and it will have the effect, in the district which I represent, of making properties there chargeable to the extent of two and three years' value of the property; therefore it would be considered a very great hardship if that state of things were to exist.

1291. Mr. *Irton.*] Is the purely rural extremity of the parish at all benefited by these works?—I apprehend that in some individual cases they would not be directly benefited; but I can show the Committee, from medical testimony, that indirect benefit will result to those places, and more especially to other places.

1292. *Chairman.*] It has been stated in evidence before this Committee, that "in Epsom the rate is made on lands two miles off; for instance, there is a warren belonging to Mr. Ladbrooke, situated at the extremity of the parish, and separated from the town by Epsom Downs, and at least two miles from it, which is charged to the special district rate;" is that the case?—Yes; but it is not so far distant as that; the amount which that property contributes to each rate is about 12*s.*

1293. It is further stated, "At the present moment, the Grand Stand on Epsom Downs, which is at a great distance, is charged for the proper supply of water to the town;" is that the fact?—No; it is not charged for the supply of water to the town, because we are not in a position to charge for water, nor can we tell to what extent a water supply will be furnished, except so far as it may be furnished under the compulsory powers of the Act. To what extent the general supply will be carried is dependent upon the volition of the parties to be supplied with water. But certainly that statement is incorrect.

1294. It was stated also in evidence, that you had made a drain through Mr. Trotter's property; is that so?—That is not so; all that the local Board of Health have done in the district is to carry a public drain near the premises of Mr. Trotter for the purpose of furnishing the means of drainage to a portion of his estate which borders upon the road.

1295. Mr. *Egerton.*] Have you received notice of an action from Mr. Trotter?—Mr. Trotter, I should state to the Committee, has been an appellant against each special district rate which has been made by the Board, and it is in consequence of that litigation that the Board are placed in their present difficulties. Now, I should beg to observe, that appeals are pending, and the gentleman who was examined here, and whose evidence, I presume, has been just read by the Chairman, is the solicitor prosecuting those appeals.

1296. Mr. *Irton.*] What distance may it be from Mr. Ladbrooke's Warren to Epsom?—That depends upon what part of Epsom you take it from; I should say that the Warren is three quarters of a mile from the further point to which the sewerage is at present carried.

1297. *Chairman.*] This is the evidence that was given by the witness: "If you will have the kindness to take the two clauses together, you will see that by clause 74 the Board is compelled to cause the whole of the district under their control to be effectually drained. They have power compulsorily to go into every property in the district or town, and effectually to drain it; that will give power to the local Board to go upon some estates at a great distance from the town. They would say they were compelled to do it, and that they would drain the estates, although the owner did not want it. This is actually being attempted at Epsom at this moment. They went to Mr. Trotter and said, 'You shall have your estate drained; you are within the special district, and we will take your drains;' and in order to do it they have at this moment a few drains, and have dug a ditch;" is that the case?—It is not the case; that is partly true and partly untrue. All the Board attempted to do was to carry the sewer up to the neighbourhood of the church, which is situated near Mr. Trotter's property, and round Mr. Trotter's property. There are many cottages there, which must certainly require a systematic plan of drainage in order to render them wholesome to the inhabitants. The gentleman is here who is the medical officer of the union, who is better able to explain to the Committee the wants of the district in that respect; his evidence would show the necessity of carrying

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the works so as to include drainage and water supply to those places, which are in the immediate vicinity of Mr. Trotter's.

1298. Mr. *Irton.*] How many cottages do you say there are of Mr. Trotter's?—I think there are nearly 40 cottages in the neighbourhood of Mr. Trotter's residence; at any rate there are a great number.

1299. What is it that Mr. Trotter is appealing against?—The appeals which are at present pending are by Mr. Trotter and two of his tenants, and by another ratepayer whose property is situated at some distance from the town.

1300. What are the grounds of appeal?—There are 15 grounds of appeal; they complain of everything almost which can affect the constitution of the Board, and all the proceedings that they have taken. The principal ground of appeal is, that Mr. Trotter should not have been included in the district.

1301. Mr. *Knight.*] The objection is, that the rural district ought not to have been included in the town district?—Just so; the whole parish was constituted a district, considering that it was the intention of the Legislature that the local Board should carry out the provisions of the Act in the district, and they obtained the consent of the General Board of Health to borrow a large sum of money, to the extent of 13,000 *l.* or 14,000*l.*, upon the faith that these rates were to be extended over the whole district.

1302. *Chairman.*] Are there any other points to which you wish to direct the attention of the Committee with regard to this Bill?—There is one point more especially to which I wish to direct the attention of the Committee; that is, the clause which limits the power to make rates for expenses incurred within six months only; it is the 118th clause. If that clause is to stand in its present shape, the effect of it will be this: at the end of 1853 the local Board of Health at Epsom made a special district rate in order to pay the interest upon the mortgage money that they had borrowed, which was to the extent of 7,000*l.* or 8,000*l.*, and which is only half of the money that is required for carrying out the purposes of the Act in the district; I think it is about 8–15ths of the expenses that will be incurred, and for which the Board have already entered into contracts.

1303. Mr. *Irton.*] What is the population of Epsom?—The population of Epsom is 4,500. I can state how this excessive expenditure has occurred in this case, if desired by the Committee to do so. The Board made a rate at the end of 1853, against which four appeals were lodged. Three of those appeals were abandoned, but the fourth appeal was adjourned, and the parties were recommended to agree upon a case in order that the decision of the Court of Queen's Bench might be obtained upon the power of the Board to form this district. Those appeals were locked up for a period of about six months, and eventually the sessions quashed the rate.

1304. Mr. *Egerton.*] Was that in consequence of the opinion of the Court of Queen's Bench against you?—No; it was recommended that we should agree upon a case in order that the opinion of the Court of Queen's Bench might be obtained upon the point whether the Board had power to extend the district to the whole limits, or whether they were bound to divide the district, and to confine the rate to the mere limits of the work. But the parties could not agree upon the case, because admissions were required which would, in fact, have settled the question against the Board, and which therefore the Board thought they would not be justified in making. Therefore that was not done. The rate was quashed, and then in December 1854, after waiting a considerable time in order to get the opinion of the law officers of the Crown, which they eventually obtained through the General Board of Health, they then made another rate. The same result again happened. There are now four appeals against the rate, and the parish has been put to considerable expense. The four appellants have sent in exactly the same notice of appeal which has been prepared by the same solicitor, the gentleman who has been examined here, and the consequence is that the Board will now be prevented from making any rate at all.

1305. Mr. *Irton.*] Have you been unable to pay any interest upon the 8,000*l.*?—We have paid some interest out of the rate which was partly collected before it was quashed. One of the grounds of appeal against the rate was that we had not given credit for money which we had already paid away.

1306. *Chairman.*] Did you ever take the opinion of the General Board of Health, with regard to the district over which the rate should be levied?—I think their opinion was taken.

1307. Are

1307. Are you not aware that the local Board of Epsom acted in opposition to the opinion which was given by the General Board, and may not that have been the cause of your difficulties?—The Board at that time had entered into all their contracts, and were acting under the advice of counsel, and the advice which was given them at the outset. The latter arose out of the lighting rate; the question then was whether they should confine the expenses attendant upon the lighting of the district to the mere locality lighted. Then the Board took the opinion of counsel as to the limit of the district to be assessed to the special district rate, and that opinion has since been confirmed by the attorney and solicitor general. In consequence of that opinion the Board proceeded to carry out the powers which were confided to them, and they entered into contracts with that view.

1308. The Committee are to understand that what you wish to press upon them is this, that whereas now you can only go back six months, your desire is that when there has been no laches on the part of the local Board, but where they may have been prevented from carrying out the objects of the Act by legal proceedings, further time should be given either at the discretion of the General Board of Health or by a provision in the Act for the purpose of covering the rates?—Just so; I also think that it is injudicious to limit the time to so short a period as six months, because there are many liabilities which have been running on from time to time, and which could not be cleared up in six months.

1309. Do you think a year would be sufficient?—I think a year would be sufficient; but then the time should be extended from the period at which the local Board can make a valid rate; because if locked up by legal proceedings, it may happen that the case may be waiting for the decision of the court; or an injunction may be obtained and proceedings may be pending with a view to dissolve that injunction.

1310. What is the next point you wish to mention?—Another point is with regard to the power of appeal against the decision of the court of quarter sessions. What is suggested is, that there should be an appeal given to either party to a higher tribunal. Under a complicated Act like this, I mean under the Act which this is intended to displace, a variety of questions have arisen from time to time. I believe the General Board of Health have taken numerous opinions as to the proper construction to be placed upon the Act; and except in very few cases, in consequence of the sessions having the power to determine the whole of the law, there has been no means, unless the parties have agreed upon a special case, of getting the decision of a competent tribunal to decide the whole of that question.

1311. What you desire generally, but especially as regards the rates, is that there may be an appeal from the quarter sessions?—Yes.

1312. What is the next point?—The next point is the difficulty which arises with regard to the terminus of the sewerage in any particular district; and there does not appear to be any machinery pointed out in the Bill by which that difficulty is to be obviated.

1313. You mean with regard to getting power to make out-fall works?—Just so. In Croydon, at the present time, the Local Board of Health has been subjected to enormous expense, in order to attempt to get rid of the litigation which has arisen out of that question. Another difficulty in which local Boards may be placed is this. I know an instance in our own case in which only a portion of the money has been borrowed, the works are finished, and the contractor requires payment of the money, but there does not appear to be any provision for raising the difference between the amount which has been already borrowed and that which would be necessary to carry out the works; and if a rate were to be made in order to supply that deficiency, it would operate as a great hardship upon the parties who might be liable to pay that rate. Therefore, some machinery should be adopted in order to meet a difficulty of that kind.

1314. What is the next point?—With regard to the mode of voting, I should state to the Committee that the mode pointed out by the existing Act of Parliament is found to work very well in the district which I represent. Very unfair means have been resorted to, to get the first election carried. A considerable portion of the voting papers were collected by unauthorised parties. The effect of that was, that the wishes of the inhabitants as to the constitution of the Board and the persons who should be members of it were not carried out. The plan, which is adopted now, is this: the chairman of the Board, who is the officer to carry out the election, has made use of the police authorities in the place, and

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we find that system to work uncommonly well; the voting papers are correctly delivered; an account is kept by each of the officers, who delivers the voting papers of the parties to whom he delivers them, and the time when he delivers them, and then the same parties collect the voting papers. We find no difficulty in that way in carrying out the intention of the Act.

1315. Mr. *Wilkinson.*] And that plan has given public satisfaction?—Perfectly so; because the police do not know who the parties are who will deliver the voting papers. Application is made to the superintendent of the police, and he issues authority to a serjeant in the district, who then deputes constables to deliver the papers, lists of which are made out in a book, and against each name the officer signs his initial as having delivered the paper.

1316. By that means favouritism or anything of that sort, is guarded against?—Yes; that would not apply in all districts, because in some districts the police may not be established; but in all places where the police are established, I believe that is found to be a good and practicable mode of obtaining the safe delivery and safe collection of the voting papers.

1317. In point of fact, is not the same plan adopted in the election of guardians of the poor?—It is.

1318. Is your voting by plural votes, or by single votes?—By plural votes; it is found to work uncommonly well in our district.

1319. Are any complaints made of plural voting in your district?—None at all, I think; I think the district generally are in favour of it. It has been found to work well in the election of the Board of Guardians, and in the election of the local Board of Health. The Board, as at present constituted, consists of one member who pays about one-fourteenth part of the whole rates of the place; another member is a person who represents a very large amount of house property in the district; the chairman is a retired mercantile gentleman. There are two City merchants, residing in the place, on the Board, three other members are independent gentlemen residing in the place, another is a surgeon, and the rest are appointed by the choice of the inhabitants, from tradesmen residing in the place.

1320. Mr. *Irton.*] Are the owners of property rated, as well as the occupiers?—The owners of property are rated under a local Act, to the extent of 10 *l.* I should state that the last members sent to the Board were sent by a very large majority; they consisted of most of the landed proprietors in the neighbourhood, and therefore it is fair to presume that the mode of voting is satisfactory.

1321. Under the General Act, are the owners rated?—No; the occupiers of property are rated in all cases, except where the rent is under 10 *l.* a year.

1322. *Chairman.*] Under the Act as it stands the occupier is rated, and the owner may vote without being rated?—Yes; which I think is fair, because under the Act the Board have the power of compelling the owner to contribute towards the improvement of property; and therefore I think the owners of property should be represented, in order that their interests may be protected.

1323. Mr. *Knight.*] Is that under the Act of 1848?—Under the General Act; that is the mode of election pointed out, by which the owner as well as the occupier may be represented, so that the interests of all parties may be fairly kept in view.

1324. Mr. *Wilkinson.*] Is there a separate collector of your rate?—No, it is collected by the parish collector with the other rates.

1325. *Chairman.*] Is there any other point that you wish to mention?—The others are mere matters of verbal alteration, which I have suggested already to the General Board of Health; and I do not think it is necessary to trouble the Committee with them.

Veneris, 23° die Martii, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Knight.
Mr. Freshfield.	Mr. Wilkinson.
Mr. Langton.	Lord Robert Grosvenor.
Mr. MacGregor.	Mr. Adderley.
Mr. Egerton.	Mr. Greene.
	Mr. Irton.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Samuel Holding Blackwell, Esq., called in; and Examined.

S. H. Blackwell, Esq.

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1326. *Chairman.*] YOU are connected largely with ironworks in the districts of Staffordshire and South Wales?—I am.

1327. Do you wish to offer any observations with reference to the Public Health Bill?—I do, in reference to clause 98, which compels the consumption of smoke in all fireplaces and furnaces that may be erected after the passing of the Bill; I think that that requires alteration.

1328. You allude to clause 98 of the Public Health Bill of 1855, which is in point of fact an incorporation of the Towns Improvement Clauses Act, 1847?—I do.

1329. And you object to that part with respect to the prevention of smoke?—That is the point.

1330. What do you wish to propose to the Committee upon that subject?—We propose to modify it by adding to that clause the following proviso: "Provided always, that the clause of the Towns Improvement Clauses Act, 1847, with respect to the prevention of smoke, shall not extend to any of the operations or processes following, that is to say, the coking of coal, the calcining of ironstone or limestone, the making or burning of bricks, quarries, tiles or pipes, the raising of any mines or minerals, the smelting of iron ores, the refining, puddling, shingling, and rolling of iron or other metals, and the melting and casting of iron into castings." Those are the general processes which are connected with the iron manufactures of South Staffordshire and other ironmaking districts. Sir Henry De La Beche and Dr. Lyon Playfair reported some years ago as to the impracticability of applying the clause for the consumption of smoke to the general processes of iron manufacture. It is paper No. 194, of 1846, and it is "Report by Sir Henry Thomas De La Beche, and Dr. Lyon Playfair, upon the means of obviating the Evils arising from the Smoke occasioned by Factories, and other works situated in Large Towns."

1331. Mr. *Egerton.*] Do you reside in Staffordshire?—I do.

1332. Mr. *Irton.*] You represent certain bodies?—Yes, I appear here as representing the iron trade of South Staffordshire; myself and the chairman, Mr. William Matthews, have been requested to appear here on behalf of the trade, and we are authorised to represent the iron trade of South Staffordshire.

1333. Mr. *Langton.*] Do you represent the iron trade of South Wales?—No, we do not.

Edward Crockford, Esq., called in; and Examined.

E. Crockford, Esq.

1334. *Chairman.*] ARE you a professional man?—I was years ago; I am now retired as a private gentleman; I was brought up as a surveyor.

1335. Do you desire to call the attention of the Committee to any points in the Public Health Bill?—Yes, with respect to a clause proposed by the Committee, as I believe in consequence of the evidence given by Mr. Baxter, to the effect that presuming the local Board of Health were to erect either waterworks or gasworks, if at the end of three years they are not remunerative, then there is to be a compulsory clause to compel them to sell. Now that would be a very unjust principle to carry out; because we all know that the establishment of works

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of that sort is almost impossible in any district so that they shall become remunerative in three years. It would be committing a very great act of injustice to those persons who are compelled by that Act to lay water on their premises. If you compel the Board of Health, because it is not remunerative, to sell their works, you then compel the person who has laid on the water to deal with a private company. Mr. Baxter said yesterday, that it was an act of injustice to supply water to certain ratepayers at a less price than the local Board of Health can afford, because you are making some of the ratepayers pay their money who had no corresponding benefit from it. Now that is not the fact. All persons (and I can exemplify it in the case of Croydon more especially) are actually benefited by the supply of water. Water is an essential element in a sanitary point of view; it is not a luxury; it is an actual want which must be supplied. In the parish of Croydon where I have very large property, there are many expenses with respect to a water supply; and you could not take a correct account of the expenses of a water company for this reason, the Board have entirely filled up all the ponds, and they have covered all the open streams, and they are obliged to find water troughs for the cattle to drink in, and for other purposes. We have a very large district in Croydon. Water has been used very beneficially, and at a very trifling expense, for watering the streets. There is a constant supply. It has been brought into play upon three occasions, to my knowledge, when fires have taken place. The system which has been adopted of putting fire plugs in and attaching a hose to those plugs has had a wonderful effect in instantaneously putting fires out. In my time I have seen houses destroyed and lives lost by fires in the parish, which has not been the case since we have had a good supply of water. Therefore, a good supply of water is one of those things by which the public at large is benefited. Then, if those works shall happen to cost something like 20,000*l.*, for which they cannot have any corresponding return at present, and if at the end of three years they were compelled to sell those works, when would you have to buy them, except at a very reduced price? Therefore you would be sacrificing a very large sum of money belonging to the parish, without getting any corresponding benefit from it: that is, as far as water goes. With respect to gas, gas is a luxury. I do not think that the local Board ought at all to interfere, and have the management of gasworks. There are plenty of energetic men to take that up if you only show them the prospect of getting a good return of their money. We have a very good gas company at Croydon now; the gas is well supplied, and at a moderate price. Why then should any local Board of Health erect gasworks? I think that it is entering into a private speculation and using the capital of the ratepayers in a way which would be very detrimental to the interest of the parish at large. Then I wish to refer to a clause of the Bill, at page 40, with respect to the supply of water to private houses. I will mention a case which occurs at this moment in the parish of Croydon. There are a great many houses in which there is an ample supply of water; that cannot be doubted, and yet the local Board of Health at Croydon will not allow you to connect your sewage with their drains, unless you actually pay them for laying on water and pay a year's rent in advance. They will not allow you to break the ground until you do that. Now, that is a great act of injustice. I could show you 20 houses in which they have compelled the persons to take the water although they have an ample supply already, because they would not allow them to connect their sewage with the drains unless they paid for a supply of water.

1336. But the 7th paragraph in page 40, has nothing to do with the connexion of sewers?—No; but in the parish of Croydon they will not allow you to connect your sewers unless you actually take water, though you may have an ample supply on your premises. The Act says, "If it appears to the local Board of Health," and so on. It is the same clause which is in the present Act. I have a case at this moment; they made me connect 20 houses, and I am obliged to pay them for water for those houses, although there was ample supply without.

1337. *Chairman.*] No doubt the object of the local Board is to take care that any person before he connects his drains with the sewers of the local Board, shall have a proper supply of water on the premises for the purpose of flushing the drains; or at least of sending a sufficient supply of water through his drains to carry everything into the sewers?—But we showed the Board of Health that we had

had an ample supply, which had been obtained at very large expense. I could show 1,000 gallons of water.

1338. Is there any other point that you wish to bring before the Committee?—There is a clause with respect to the mode of election of the Board. It was argued yesterday by Mr. White, that the present mode of taking votes is very satisfactory to the public at large. Now, I have had great experience in travelling over the country in places where it is practised, and I say it is quite the contrary, and that mode of voting under Sturges Bourne's Act is very unpopular, generally speaking.

1339. You think that the system of plural voting is objectionable?—It is, I believe. I will exemplify it by one circumstance in our parish of Croydon. There are few large landed proprietors in that neighbourhood. In an election some time ago the whole of the principal street of Croydon, containing houses from 70*l.* to 25*l.*, was completely swamped by four landed proprietors voting as owners and voting as occupiers, their 12 votes each swamped the whole of the principal street of Croydon. They had 48 votes. Now, why the owners of property should have any vote at all I cannot understand, because the owners in no way contribute to the carrying on the local Board of Health; they pay nothing towards it; and those persons who are compelled to pay in that very district in Croydon, have had a considerable addition made to their rent in consequence of the money so laid out. In Croydon there are many hundred houses from 5*l.* to 9*l.*, and for turning the privies into water-closets, and connecting them with the sewers they put on a shilling a week upon those poor people. Therefore I cannot see why the landlord should have any right of coming to vote at the election; he was not injured in any way. The same with the occupiers of land; they contribute a very slight proportion, yet they are the men that have come and swamped the town. We pay a certain portion of rates belonging to the district, not only in the special district, but in the general district, and they are swamped by these landed proprietors. That is a point which I think requires the consideration of the Committee, and I think the great benefit of the Bill depends upon that point.

1340. Mr. *Wilkinson.*] Is not the landlord affected in this way, that if the house is burthened with a heavy rate it will not let for the same rent?—No; if it is carried out by the Board of Health properly it is a benefit to the property. With respect to sewage, there are many expenses that a tenant would be put to if he took a house on lease; he had to empty the cesspools and to keep the drains in repair. The same thing with the supply of water, it is a great benefit to the tenant; and, therefore, if the tenant has those things supplied to him, he is content to pay an increased rent.

1341. *Chairman.*] I understand you to mean that whilst the landlord has the same power of voting that the tenant has according to the scheme carried out under the old Act, in point of fact he does not pay, because whatever he is called upon to pay he charges upon his tenant?—Certainly, that would be, so far as the special district is concerned; but with regard to the general district, those that are in the special district pay very little indeed towards the rating; the landlord pays nothing; the occupier pays a very slight proportion to the general rates of the parish. I would exclude the owner from voting, because he pays nothing. But with respect to the occupier, that he should come forward when he only pays a fourth of the same rates to the special district, and have six votes more, and be put in the position of a person that lives in a special district, who has also six votes, appears to me not to be just.

1342. I understand that what you further object to is this; that where there is plurality of voting, that plurality of voting is exercised by two descriptions of ratepayers; that is, the one who pays the whole amount of the rate or four-fourths, and the other who pays only one-fourth of the rate?—Yes; they are both put upon a footing of equality.

1343. Have you any other point to mention?—You have a penalty for any gas company or private person turning the gas-water into the sewers, but you have no provision for the case of the local Board of Health becoming proprietors of gasworks; there is nothing to prevent their using their own sewers in that way, because who is to sue for the penalties?

Mr. Alderman *Copeland.*

Mr. Alderman *Copeland,* called in; and Examined.

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1344. *Chairman.*] DO you wish to give any evidence with respect to either of the Bills before the Committee?—With respect to the Nuisance Removal Bill, more particularly the 31st section. The only objection I have is, that as a manufacturer of earthenware I do not hesitate to tell you that if that clause was to stand as it originally was, I should have been compelled to shut up my manufactory, because I might as well try to consume the smoke when bricks are burnt in a clamp as to consume the smoke in my kilns and ovens in which I burn my earthenware. It is morally impossible for me, as a manufacturer of earthenware, to carry on my business one single moment under such a clause as that. I do not hesitate to say that it would strike at a staple trade of the country, and it would really and truly, in my opinion, put out of employment some 30,000 people.

1345. Mr. *Adderley.*] Will you state to what extent the consumption of smoke has been carried into effect in the Potteries?—I am not aware, really and truly, that any consumption of smoke has taken place. A very excellent neighbour and friend of mine, a competitor in trade, Mr. Minton, has had an apparatus fixed to the engine, and as far as I am able to judge, they have had it very carefully fed by a careful man, and a portion of the smoke is consumed; but there is still a considerable amount of smoke. A small decrease is obtained at an enormous cost; fully 30 per cent., in my opinion, of power lost. My own chimneys being visible from Mr. Minton's chimneys, some two or three years ago, I directed my people to feed my steam-engine at a particular time, as against the smoke-consuming apparatus of Mr. Minton's; and after the first effect of feeding, I see that my chimney really and truly emits no greater quantity of smoke than even Mr. Minton's does, who has that consuming apparatus.

1346. Mr. *Egerton.*] Is not the decrease of smoke produced by putting on a much smaller quantity of coal at a time, and feeding the fire very often and gradually?—Feeding it very often and very gradually. I took a deep interest in this question some years ago, and I visited the dockyard at Woolwich, where the Government had put up a smoke-consuming apparatus; and I would ask the honourable Members to view that themselves, to judge whether it is so. Take the great brewery of Sir Edward Buxton: that is said to consume its own smoke. Let any person go and view for himself. Then again with respect to smoke consumption under this Bill; let us take the case of the ironmasters; take my own position, not as an ironmaster, but as a getter of ironstone. I cannot consume the smoke from the carbon in the ironstone; it is quite impossible; therefore I view this clause as it originally stood in the Bill as really and truly a complete prohibition of my business. But I understand now that the clause is perfectly altered; and therefore I will not trespass upon the time of the Committee any further.

Robert Baxter, Esq., called in; and further Examined.

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1347. *Chairman.*] DO you wish to make any observations to the Committee with reference to the clauses affecting canal companies or navigation companies?—Yes, we have been with the counsel who drew the Bill; and the clauses which I will now hand in have been agreed to by him as fit to be recommended to the Committee.

1348. Will you read the clauses as you would suggest them to the Committee?—"No power given by this Act shall be exercised in such manner as to do the following things, or any of them:

"1. To interfere with any river, canal, dock, or basin, so as to injuriously affect the navigation thereon or the use thereof, in cases where any corporation, company, undertakers, or individuals are by virtue of any Act of Parliament entitled to navigate, or use for their own benefit, such river, canal, dock, or basin, or in respect of the navigation on, or use of which river, canal dock, or basin, any corporation, company, undertakers, or individuals, are entitled by virtue of any Act of Parliament to the receipt fortheir own benefit of any tolls or other dues.

"2. To

"2. To interfere with any watercourse, in such manner as to injuriously affect or permanently diminish the supply of water to any river, canal, dock, or basin, in cases where any corporation, company, undertakers, or individuals (being authorised by virtue of any private local Act of Parliament to navigate or use such river, canal, dock, or basin for their own benefit, or to demand for their own benefit any tolls or dues in respect of the navigation on or use of such river, canal, dock, or basin) would, if this Act had not passed, have been entitled by law to prevent or be relieved against such interference.

"3. To interfere with any bridges crossing any river, canal, dock, or basin, in cases where any corporation, company, undertakers, or individuals are authorised by virtue of any private local Act of Parliament to navigate or use such river, canal, dock, or basin for their own benefit, or to demand for their own benefit any tolls or dues in respect of the navigation or use of such river, canal, dock, or basin.

"4. To execute any works in, through, or under any walls, quays, docks, or basins, to the exclusive use of which any corporation, company, undertakers, or individuals are entitled by virtue of any private local Act of Parliament, or for the use of which they are entitled by virtue of any private Act of Parliament, to demand for their own benefit any tolls or dues.

"Without the consent in every case of such corporation, company, undertakers, or individuals as are hereinbefore in that behalf respectively mentioned; such consent to be expressed in writing in the case of a corporation under their common seal, and in the case of a company, undertakers, or individuals, under the hand of their clerk or other duly authorised officer or agent."

The matters specified under the four preceding heads are matters of absolute prohibition. But the next goes on to say:

"In cases where any matters or things proposed to be done by any local Board, and which are not within the prohibition aforesaid, interfere with the improvement of any river, canal, dock, or basin, to the use of which any corporation, company, undertakers, or individuals are entitled by virtue of any private local Act of Parliament, to demand for their own benefit any tolls or dues, or interfere with any works belonging to such river, canal, dock, or basin, or with any land necessary for the enjoyment or improvement thereof, the local Board shall give to such corporation, company, undertakers, or individuals as last aforesaid a notice specifying the particulars of the matters and things so intended to be done; and if the parties on whom such notice is served do not consent to the requisitions thereof, the matter in difference shall be referred to arbitration in manner hereinafter provided; and the following questions shall be decided by such arbitration; that is to say,

"1st. Whether the matter or things so proposed to be done by the local Board will cause any injury to such river, canal, dock, basin, works, or land as are hereinbefore mentioned in this section, or to the enjoyment or improvement of such river, canal, dock, or basin as aforesaid,

"2d. Whether any detriment that may be caused by such matters or things, or any of them, is or not of a nature to admit of being fully compensated by money,

"The result of any such arbitration shall be final, and the local Board shall do as follows: that is to say, if the arbitrators are of opinion that no detriment will be caused, the local Board may forthwith proceed to do the proposed matters and things. If the arbitrators are of opinion that detriment will be caused, but that such detriment is of a nature to admit of being fully compensated by money, they shall proceed to assess such compensation, and upon payment of the amount so assessed, but not before, the local Board may proceed to do the proposed matters and things. If the arbitrators are of opinion that detriment will be caused, and that it is not of a nature to admit of being fully compensated by money, the local Board shall not proceed to do any matter or thing in respect of which such opinion may be given."

"No transfer of powers and privileges under this Act shall deprive any corporation, company, undertakers, or individual authorised by virtue of any

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any private local Act of Parliament, to navigate for their own benefit any river or canal, or to demand for their own benefit in respect of such navigation, any tolls or dues, of such powers and privileges as are vested in them by any Act of Parliament in relation to such river or canal."

"Any corporation, company, undertakers, or individuals authorised by virtue of any private local Act of Parliament to navigate or use for their own benefit, any river, canal, dock, or basin, or to demand for their own benefit any toll or dues in respect of the navigation on such river or canal, or for the use of such dock or basin, may at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, take up, divert or alter, the level of any sewers, drains, culverts, or pipes constructed by any local Board, and passing under or interfering with such rivers, canals, docks, or basins, or the towing paths of such rivers, canals, docks, or basins, and do other acts necessary for carrying out the object of this clause."

The meaning of "other acts," is that they will have to join the new work on to the old sewer at a proper distance, so as to allow the slope to be what the engineer would consider reasonable.

1349. Mr. *Egerton.*] Is it not provided in some way that arbitration is to take place?—The general arbitration clause provides for that. I should mention that, although these clauses are satisfactory to those companies and parties who own canals or navigations, or the tolls thereon, for their own use, they do not embrace, and therefore they are not at all satisfactory to, a very numerous class of canals which exist in the kingdom to the extent of about 30, and a class of docks, including the valuable docks of Liverpool, in which the tolls are held for public purposes. These clauses afford no protection whatever to those navigations, or canals, or docks, and Mr. Thring has rather argued (and he said that he could only refer us to the Committee for a solution of the difficulty), that because the tolls of those canals or docks are held by commissioners for public purposes, therefore you should not protect them against the interference of the public Board of Health. That is his argument. But the parties who are in the management of those canals and docks naturally enough say, "We have a distinct trust committed to us by the Legislature, which we are to manage for certain special purposes. You are giving to canals and works *ejusdem generis* a distinct protection which you withhold from us. Our public purposes are not identical with your public purposes, and your public purposes ought to be controlled to the extent of not impinging upon the public purposes which have been committed to our care, without the same precautions which you are bound to take in case of their impinging upon the private interests of an individual."

1350. Mr. *Greene.*] Would not you be able to attain your object, if the words "levy tolls," and so on, "for their benefit," were struck out of the clause?—That would exactly attain it. If those words which are so perplexing and which I have no doubt, as I read them, the Committee noticed, seem to throw such confusion upon the whole of it, were struck out entirely, that would attain the object. It would meet the case of every canal, or navigation, or docks, whether vested in private parties for their private benefit, or vested in the public for public purposes. They would all be protected to the degree to which the protection here affects to go.

1351. *Chairman.*] Supposing we were to take into consideration the public companies as well as private companies, their wishes would be met by striking out some words in the clauses you have read?—Yes; it would reduce the clauses to about half their bulk.

1352. Mr. *Irton.*] Would there be any objection to that?—Quite the contrary. What I apprehend upon the whole subject is this; that although these are trustees for public purposes, yet as those public purposes are not identical with the purposes of the Public Health Act, there is no reason why that dealing with the parochial rates, should take away the money of the Commissioners, who are dealing with the produce of the Liverpool docks, for instance; they are by the Legislature designated for separate purposes, and I think that each should be kept distinct, and that if the interests of private parties ought to be protected, those of public parties ought equally to be protected.

1353. Mr. *Wilkinson.*] What is the object of the last clause? Seeing that the former

former clauses preclude the parties from putting any sewer, &c., in any places so as to injure the canals or docks, what is the use of the last clause enabling them to remove it?—It may often happen, that in a certain state of things the local Board may have been permitted by the company to put a sewer under their navigation, when the company did not contemplate the necessity of deepening it. Afterwards, they may find that they want a greater depth of water, or larger works under their present works; and if their position is thus altered; this is to enable them to alter the sewer.

1354. *Chairman.*] Is there anything else that you desire to bring before the Committee?—The Committee mentioned yesterday the desirableness of bringing water companies which were not under the Waterworks Clauses Act under that standard. It has occurred to me, that if the Committee thought it an object to put all the water companies and the water supply of the kingdom upon the same basis, there might be a power put into this Bill, enabling the General Board to have such waterworks as belonged to individuals also put within that Act of Parliament, so as to bring them within the purview of the provisions with respect to the exhibition of their accounts and the reduction of their rates. There are a great many waterworks in the kingdom made by individuals, for which there is neither company nor Act of Parliament, and they charge what they please, subject to their having to make an agreement with the parties whom they serve. And if the Committee consider it desirable that the whole of the waterworks in the kingdom should be put upon the same basis, it would be practicable to bring those parties also, in case they were willing, under the Waterworks Clauses Act, so as to have one basis for the whole of the water supply of the kingdom. It might be done in this way: by inserting a clause in the Act, that "in any case where any person or persons have constructed waterworks without the authority of an Act of Parliament, if such person or persons shall give notice, under his or their hand and seal, to the General Board, describing therein the limits within which he or they are now supplying water, and to which he or they are ready to extend the supply (in case no supply is furnished from another source), and also specifying the rates at which such supply has been furnished for the average of two years next preceding such notice, distinguishing the rates charged for private supply from those charged for supply for public purposes, and shall therein declare his or their willingness to adopt and be bound by the provisions of the Waterworks Clauses Consolidation Act, 1847, the General Board shall make an order that such person or persons shall be constituted a corporate body with perpetual succession, by the name expressed in such order; and that the limits described in such notice shall be deemed the prescribed limits of such undertaking, and the rates specified in such notice shall be deemed the water-rates to be charged and recovered in respect of such supply; and if and when such order shall be confirmed by Parliament, it shall have the force and effect of an Act of Parliament incorporating the Waterworks Clauses Act, 1847, and rendering such company subject and entitled to act under the provisions of the same; and such order so confirmed shall be deemed a special Act within the meaning of the said Waterworks Clauses Consolidation Act."

1355. You would allow the party coming forward to determine what his capital may be, and that he should be entitled to 10 per cent. profit upon his capital before any reduction should take place in the rates charged?—The capital must be specified in this; that had not struck me.

1356. Would not the effect of that clause be this, that a party coming to the General Board of Health would say, "So much is my capital, and upon that, under the Waterworks Clauses Act, 1847, I am entitled to 10 per cent.; and if I have been charging 1 *s.* upon a house, I shall now be entitled to charge 2 *s.* upon a house, if I should think fit, and if that sum should be necessary to give me 10 per cent."?—No, not so; this would specify the charge which he has been making the last two years, which shall be constituted by this Act the maximum charge; he never can go higher than that; he may go lower. There is no power under the Waterworks Clauses Act to raise the rates to attain a dividend; the only provision is, that if under the rates which he takes by virtue of that Act of Parliament he makes more than 10 per cent., or if under the rates specified in the order in this case he makes more than 10 per cent., he is obliged to reduce those rates; but otherwise as he stands now, without an Act of Parliament, he charges what he pleases; he is free from any Parliamentary control. It is true that he is liable to competition by any other party; and so he would be if this was

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done. But all the effect of this is to bring that individual under the same Parliamentary rules of control as attach to incorporated water companies.

1357. But already we have provided for the case of persons not having an Act of Parliament, and thus being incorporated, by saying that they shall positively go to arbitration?—Yes; this would not vary that in the least. Speaking on behalf of individuals, I do not think this would be any boon to the parties themselves, but it would attain what it seemed to me the Committee had their minds fixed upon yesterday, namely, to try to bring all the water companies under that General Consolidation Act.

1358. As the clauses which you have suggested stand, supposing they were inserted in the Bill, would not the case be simply this: that a person or parties supplying water to the district, and not being incorporated by Act of Parliament or otherwise, would be subject every three years to arbitration as to prices, if the local Board should think fit; but under the clause which you propose now, you would incorporate the parties as a company?—Yes.

1359. Mr. *Wilkinson*.] The intention of that would be, to give to every party who desired it the power of incorporation?—Yes, provided he submits to the same control to which corporate companies have submitted.

1360. *Chairman*.] Is there anything else that you wish to mention?—I think the Committee have yet to consider the definition of private Acts and public Acts. I ventured to suggest before, that rights derived under public Acts, although not conferred by those Acts, should be equally protected with rights conferred by those Acts. The definition of a local public Act, as it stands in the Bill, is at the bottom of page 2: "The term 'Public Local Act" shall mean any Act having relation to any of the purposes of this Act, and not being an Act conferring privileges on companies for the benefit of the shareholders therein." Now I drew the attention of the Committee to the fact, that there are many public Acts under which companies and individuals derive privileges, which privileges are not directly conferred by the Act. In the cases of all public Improvement Acts, and of any public Act which enables the Commissioners therein named to sell to individuals, there are rights derived and privileges derived by those individuals under those Acts, which would not be covered by language which is limited to rights and privileges conferred by the Act. Instead of the words "not conferring privileges," it should be, "under which no privileges are conferred upon or derived by," so as to cover rights and privileges which are derived under the Act, though not directly conferred by it.

1361. Is there any other point which you desire to notice?—Not upon this Bill; but the canal companies are very anxious (if I am not out of order in referring to the Nuisances Removal Bill, which is not at present reported upon from this Committee) to point out to the Committee that there is no saving of canals in that Bill; and they are anxious only that the first two of the clauses which have been assented to by Mr. Thring as regards the Public Health Bill should be inserted in the Nuisances Removal Bill; that is to prevent interference with any river, canal, dock, or basin, so as to injuriously affect the navigation thereon, and to prevent interference with any watercourse, so as to injuriously affect or permanently diminish the supply of water.

1362. Will you first point out how they would be affected under the Nuisances Removal Bill, and why they think it necessary to have those words inserted?—The 17th clause of the Nuisances Removal Bill says, "By their order the justices may require the owner or occupier of the premises, or person causing the nuisance, to cleanse, whitewash, disinfect, or purify any such dwelling-house or building, or to fill up any such cesspool, or to drain, empty, cleanse, fill up, or amend any such ditch, gutter, drain, watercourse," and so on; so that there the magistrates have the power of filling up watercourses, without any reference to the consequences of such filling up. There is no doubt that the sanitary purposes connected with watercourses may be answered without diverting the water from the canal, and without injuring the navigation of the canal.

1363. It might be necessary to cleanse a watercourse of a canal. We may suppose a case in which the watercourse of a navigation or a canal might be in such a foul or dirty state that it might be absolutely necessary that something should be done; therefore that power must be reserved. But would not your object be gained by putting in the words that "no watercourse shall be filled up in such a manner as to damage the navigation"?—Perhaps it might be sufficient to say that "no watercourse shall be filled up in such a manner as to diminish

diminish the supply of water, or injuriously affect the navigation." You have touched a point which is a very serious one, and one encompassed with a great deal of difficulty, with respect to navigations getting into a very foul state. A case may occur, such as that of the River Lea, the engineer and clerk of which company are in the room now. The last pond of that navigation has become very offensive; but it has become so because the Board of Health of Tottenham have made fresh sewers, and have poured the whole matter of the sewage into the river. It has come down with the stream as far as the stream had force enough to carry it; but where the stream became slack, all these matters have settled and fermented till, as I understand, there is a scum upon the surface of the water there which is extremely offensive. Now the remedy for that is a serious question. It is distinctly traceable to the action of the discharge of those sewers. And it is not the case with the Lea merely; it is the case also at Luton. At the present moment the Board of Health at Luton have constructed sewers, and they are going on day by day constructing them, by which they are pouring all the sewage into the river, which comes down into the Lea. That will affect the quality of the water supplied by the New River Company and the East London Company, which supply one full half of the whole of London. I applied to the Luton Board of Health to stop it. They say, "No, we cannot stop; what are we to do with our sewage?" I represented the injury to the health of the inhabitants. They say, "We cannot help that; every town must take care of itself." So that Luton is to be sewered, and its sewage is to have the effect of polluting the streams, and to be sent down to the inhabitants of London, who are to drink Luton water mixed with sewage. The law has in other cases been applied to, and the Court of Chancery has determined that they will stop those proceedings; and in the case of Luton, no doubt they will be stopped very shortly. But it is unsafe to leave matters of that kind in the hands of the Court of Chancery, to be wrangled upon for three or four years before some remedy is found. The thing must be met. It is obvious, that if you make sewers in order to get rid of a nuisance from the immediate locality, you must take care that you do not throw it upon the next succeeding locality, or else you are merely transferring the nuisance from one level to a lower level. But there is no provision made for this in the Bill. It is a most difficult question to solve; for it is unreasonable to expect the Navigation Company to remedy the evil by scouring out what Tottenham may send down into the valley of the Lea. I am not interested in the Lea at all, and therefore I speak without any bias of that sort; but it would seem to me to be exceedingly unreasonable; you can trace the nuisance, and it ought to be stopped at its source.

1364. Lord *R. Grosvenor.*] Have you any idea in your own mind what sort of legislation ought to take place upon this subject?—It is a most difficut subject. It is one which cannot perhaps be practically dealt with until further experiments have been tried. But it cannot be continued, consistently with the public health, in its present state. They ought to be compelled to take the best means of deodorization which exist, and our means will be from year to year improved, no doubt. But whatever be the expense of doing that, I think it is clear that if the public health is to be preserved, no town ought to be permitted to pour the concentration of all the filth that comes out of it into an open public river, to take it down to the next town below it.

1365. *Chairman.*] But, practically, it would be very difficult to legislate upon the subject?—It is exceedingly difficult, because the progress which has been yet made in deodorization is very small.

1366. Mr. *Adderley.*] Can you state how far the process of deodorization has been successful in any town?—It has not been successful in any town upon any large scale. Two or three plans were tried in Croydon, none of which have succeeded. One is being tried at Leicester, which is in course of experiment. Another is being tried at Tottenham.

1367. *Chairman.*] Has the process at Leicester been so far successful?—The engineer thinks it necessary for the private interests of his company to keep a profound secret the whole of what he is doing. So that it is shut up within four walls, and nobody knows what he is doing. He says he has succeeded. He has laid out some 60,000*l.* in erecting works, so that he appears to have considerable confidence in it.

1368. Mr. *Knight.*] There is a clause in the Public Health Bill prohibiting fouling water with gas, or with any refuse from gasworks. Would there be any

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objection to putting a clause into the Public Nuisances Removal Bill, to say that no streams or reservoirs, conduits, aqueducts or waterworks, shall be fouled with gas?—I am afraid you must deal with that *sub modo*, as you would deal with the case of common sewerage of towns; you must say that they shall be bound to put into action the best known mode of remedying the evil. I do not think that there is any process by which you can prevent water from gas being in some respects offensive.

1369. Mr. *Adderley.*] Would it be desirable to make it illegal that any running stream should be used as a channel for sewage?—A difficulty arises there. For instance, at Luton I met the parties interested and they said, "What are we to do; we have a body of water amounting to so many thousand gallons per hour, passing through our sewers. Where are we to put it? Who will give us land for it to run over?" No gentleman was ready with an estate to be improved by it, therefore they said, you cannot point us out a remedy; all we said was, you are not allowed to commit a nuisance. But legislation cannot at present go further than to say, that the Board of Health shall be bound in any case to take the most effectual means to prevent any nuisance arising at the outfall of their sewers, and it must be left to further experiment to discover what the most effectual means are.

1370. *Chairman.*] You would not confine this provision to places that have adopted the Public Health Act; you would say that it should be compulsory upon all districts in the kingdom?—No doubt.

1371. Therefore what you propose is rather a general measure than one of a local character, such as that which is contemplated in the Public Health Act?—Yes, except that the purview of the Public Health Act embraces the whole kingdom, and may be gradually applied to the whole. No doubt if it is successful it will extend in the end to the whole kingdom.

Veneris, 30° *die Martii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Egerton.
Mr. Wilkinson.	Mr. Adderley.
Mr. Langton.	Lord Robert Grosvenor.
Mr. MacGregor.	Mr. Knight.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Robert Baxter, Esq., called in; and further Examined.

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1372. *Chairman.*] THE Committee have considered the clauses which you laid before them in reference to the water companies, and they do not see that they quite carry out the views of the Committee, in relation, first of all, to the public supply. The opinion of the Committee was, that the existing companies should supply the local Board on the terms of the Act of 1847. By reference to the 37th section of that Act, I find that it is there clearly specified how waterworks companies are to supply the water for public purposes. Now, is that provision carried out in the clause which you have submitted to the Committee?—The matter which is now raised was not considered minutely when I was with the Committee before. My attention has been since called to it, and I have looked into all the Metropolitan Acts with reference to their provisions as affecting the public supply; and I find that the clauses, as I proposed them, would leave all the Metropolitan Companies liable to be called on under the 37th clause of the Waterworks Clauses Act to supply the water. There are no terms specified in any one of the Metropolitan Acts affecting the supply for public purposes.

1373. What I understand you to say is, that inasmuch as the Act of 1847, as applied to the water companies supplying water to the metropolis, if it were desirable that this Act should be applicable to the metropolis, they would be bound

bound to supply the water for public purposes according to the 37th section of the Act 1847?—Yes, that is so.

1374. We are speaking now of the districts to which the Act may be applied, and not of the metropolis, which is exempted from the provisions of the Bill; the Committee are of opinion that the provincial districts should have the benefit of the Act of 1847 for public purposes, especially in reference to the 37th section; is that provided for in the clauses which you have suggested to the Committee?—If it should happen that any provincial company has, under the authority of Parliament, specific terms of supply,—for example, if they are to charge so much per thousand gallons, or if the terms are specified in any other manner as regards the water supply for public purposes,—that special provision would override the provision of the Waterworks Clauses Act, and any company under the clauses as they were presented to the Committee when I was last here, would still continue to supply under a special arrangement. Whether country companies have a clause of that kind or not I am not prepared to say, because I do not affect to have examined the country Acts. It has not been usual with Parliament generally to fix any price whatever for water supplied for public purposes; I think that under the Metropolitan Acts no price whatever was fixed; it is possible that in existing provincial Acts there may be a provision of that kind, and there may be such a provision in that particular case as would override the 37th clause of the Waterworks Clauses Act.

1375. That which the Committee desire is, that any local Board may cast upon a company existing in the district the duty of supplying water for public purposes, according to the terms set forth in the Act of 1847, which has no specified terms with reference to price, because it is left there to arbitration; would such a provision meet the views of the water companies?—I do not think that would be unreasonable; but at the same time, the question never having been raised, I am not aware whether there may be any local circumstances which may make this a hardship upon particular companies. The point has not been raised, and I have not been able to communicate with the county companies upon the matter. But in the absence of any special information, there would seem to me to be no great objection to clause 37.

1376. What do you propose by these clauses as regards private supply?—That the companies are to supply upon the terms specified in the Act of Parliament in the first set of cases; in the second set of cases they will be supplied at a price to be fixed by arbitration.

1377. Lord *R. Grosvenor.*] Is that provided for under these clauses?—Yes, companies that have embodied the Waterworks Clauses Act are to supply water upon the terms specified in that Act, and companies that have not embodied that Act are to supply water at a rate to be fixed by arbitration.

1378. *Chairman.*] How would the Waterworks Clauses Act of 1847 affect the charge for private supply?—It only affects that charge in the event of a company getting a higher rate of profit than that fixed under the Waterworks Clauses Act, or by their special Act.

1379. Is not the Waterworks Clauses Act to this effect, that where a company shall have an Act, they shall allow them to get a certain per-centage upon their capital, and that if they should get more than that per-centage, that surplus is to go in reduction of the rate, instead of being applied for any other purposes?—Yes, that is the case.

1380. Supposing there are companies which may charge extravagant rates, according to the clauses as they stand, the local Board has no power whatever to get water at a less charge?—The local Board itself would have no power to enter into competition with those extravagant rates, but the whole public, or a part of the public, would be able to compete with them. They are open to competition with the public constantly; all that this Bill restricts is, that the local Board shall not out of the public rates lay out capital in competition with private capital.

1381. Mr. *Wilkinson.*] Would there be any objection under these clauses to the local Board advertising, for instance, for another company to set up in the neighbourhood to compete with the existing company?—It would not be one of the functions of the Board to advertise for that, but there would be no breach of the law in doing so. If it were publicly mooted in the local Board that the charge was extravagant, and if the inhabitants thought it extravagant, there would not be the slightest difficulty in the state of capital in this country to establish a new company; because if the feeling against the existing company

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were strong, they would take care that there should be a new company to furnish water at a specific price, similar to the case of the gas consumer's company in London.

1382. *Chairman.*] Setting aside the question as to the supply for public purposes, why should the local Board be compelled to treat with any existing company at all?—For this very obvious reason, that if you allow them to compete with the private company out of the public rates, you give them the power of destroying the company absolutely without limitation.

1383. Supposing you took away the power that is proposed to be given to the local Board of competing themselves with the public funds, why should that local Board be called upon to apply to the existing company for their supply?—If you disable the local Board from supplying water in any manner whatever, you leave them only in the position of the general public; they may make their views known through any channel and in any shape they please, and if they think fit to call for competition, they may do so; but it would be a new thing to put into an Act of Parliament a provision that they may invite competition, because it is passing an Act of Parliament to compel competition; it is like making two men fight, whether they will or not.

1384. Mr. *Wilkinson.*] What you desire to be effected by this Act is not that the local Board shall be compelled to make a contract with the companies, but only that they shall be forbidden to supply water themselves, and, as you say, by means of the rates, and so enter into unfair competition with the companies?—It is perfectly incompatible with private enterprise that public money should be put into competition with it, because private capital is in such a case instantly destroyed. You cannot, if you desire to maintain private enterprise at all, allow money from the public rates to come into competition with it. Of course every public company is open to competition, from any direction in which it may come.

1385. *Chairman.*] If the Committee should be disposed to provide that the local Board shall of necessity go to an existing company, what is your objection to an arbitration being called in, in case the charges proposed by the existing company should be excessive?—My objection is this, that you overturn by one general sweeping Act, applicable to every part of the kingdom, the decisions of all the Committees that have sat upon water companies, and the terms and understanding upon which every water company in the kingdom has been formed. The powers under the Public Health Act of 1848, are extremely limited. A local Board can only make waterworks under that Act for public supply, and for the supply of houses under 3*d.* a week; I think it is under 2*d.* or 3*d.* per week. I understand that local Boards have supplied houses above that rental; but I think it is clear, upon the face of the Act of Parliament, that they are going beyond their powers in doing so; the provision is in this form, that they provide supply to the extent defined or prescribed in this Act, and that extent is supplying houses of which the rental is under a certain sum per week.

1386. Supposing that the Committee were to determine that the public supply should be according to the terms of the Act of 1847, and that the 7th clause of the Act of 1848 should still continue, would there be any objection to that on the part of the water companies?—If the Committee is minded to confine the supply furnished through the local Board to public purposes, and to houses of which the rent is not more than 3*d.* per week, I do not think that water companies would care about the measure; but if the Committee intend to enlarge the powers of the local Board, so as to enable them to supply the whole place, then that has the same effect as I alluded to before, that of bringing public money into competition with private enterprise.

1387. Mr. *Wilkinson.*] You only object to that being done in cases where there is any water company in the neighbourhood willing to supply the water?—Just so; and remembering how works executed by public Boards are jobbed and mismanaged through neglect, I think it is much more wholesome that private enterprise should be invited to do it in every case, than that anything of that kind should be constructed out of the public rates. Anything that requires close economical management is never satisfactorily achieved by public rates, or by a public body.

1388. *Chairman.*] How would you prevent the possibility of the public being imposed upon by high charges, high charges being made by the existing companies, if they are the only persons to whom the local Board are allowed to apply?

apply?—It will be observed that the local Boards are only under the necessity of providing water for public purposes; that is the only responsibility that lies upon them: they have nothing to do with supplying private inhabitants.

1389. What do you refer to when you say it is the only necessity?—Private consumers may take means to supply themselves, as is done in all parts of the country, by establishing water companies; but as regards the public purposes, the public body installed in the neighbourhood must take care of that, for it is a law of necessity that lies upon them as a Board. The great body of private consumers will take care of itself. If they want water, they will take care to get a company to supply them; and if it is supplied extravagantly, or of a bad quality, they will take care to get somebody in competition with the existing company who will supply water better or cheaper. You may leave them to take care of all their interests, as to all matters regarding necessities of their own; whilst it is necessary you should enable the local Board to undertake it for public purposes.

1390. Mr. *Wilkinson*.] Is it possible to prevent a corporation or a public body in any town from setting up a gas company?—Not as it regards a corporation under the old *regime*, which has property of its own; but a corporation created under the new Municipal Act, with nothing to go to but the parochial rates, could not, according to my view, set up such works. Any corporation that has property of its own may, with its own money, put up and construct works. That has been done; that was done at Doncaster, among other places. The corporation has itself laid out the money, and taken the profits.

1391. There is nothing to prevent their getting a local Act to do so?—Nothing whatever.

1392. Do you know the case of the town of Halifax?—I do not know the circumstances as to water.

1393. Mr. *MacGregor*.] Does not the reference of any difficulties which arise between the local Board and the water company to arbitration seem almost in all cases a just way of settling it?—It is the most just way of settlement where Parliament has not already defined as between the public and the water company the rates at which the water shall be supplied; but where Parliament has granted certain specific rates, and upon the faith of those rates the company has laid out its capital, it would be very hard to cancel those rates by a sweeping measure applied to the whole kingdom, and say to the company, "You shall serve water upon terms settled by arbitration;" because the chances are that the proprietors would never have determined to lay out their capital in the construction of their works if they thought they would be subject to a biennial or triennial arbitration as to price.

1394. Supposing the local Board should require the company to maintain a constant service, that service being at present an intermittent one, the local Board might be asking that which the water company would conceive to be a hardship, their Act of Parliament giving the water company a right to make a certain charge, and not enforcing a constant supply. How would you suggest that such a difficulty should be settled if not by arbitration?—The question of constant supply is a matter upon its trial at the present moment, and I have heard a great variety of opinions from engineers upon the subject; but supposing it to be the most economical way of using water, doubtless the companies can be brought to regard it as such, and would be induced to adopt it; but if it be not the most economical mode of supplying water, they will not adopt it; it may be safely left to the progress of experiment; if it is their interest, they will adopt it from its economy, but it is not desirable to enforce it upon them.

1395. My question supposes that it may be considered by the local Board as exacting something more from them than they are willing to perform?—You are aware that the pipes which are used for an intermittent supply, will not do at all for a constant supply; and in most cases they will have to get a fresh set of pipes and works within the houses of entirely a different character from the present. I recollect the Chairman of the Water Committee in 1850 asking the engineer, "Why cannot you lay on water at high service, and leave the interior pipes of my house, for instance, just as they are?" "Why," he said, "if you put on water upon the constant service in your house as it stands now, and you happened to be in Paris, you would find when you came home again, that all your walls were dripping with water, for every one of the pipes will burst.

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burst. The cocks are not suitable to the service; the water would be wasted in every direction, and would destroy the furniture in your house."

1396. If a local Board in the performance of its duty to the public were anxious to exact something more from the company than they ought, how is it to be settled unless by arbitration?—It would not be safe or sound legislation to put the local Board in a position to coerce a commercial company beyond those matters which it is bound to furnish under the Act by which it is incorporated and conducted; the power you put into the hands of the local Board will be exercised in any degree that they may think fit. If any differences should arise, they may be exercised from motives of opposition; and if you put the power into their hands to exact matters that may be excessive, it may be the means of taking away the profits of the company, and it is a power companies should not be subject to unless upon a Parliamentary examination of the state of the company.

1397. If you confine the local Board to existing companies, what provision do you make for the additional service which the local Board might require of the company beyond that which it is in the habit of rendering to the public?—The question proceeds upon the assumption that there is a certain necessity on the part of the local Board to provide water for private purposes. Now I think that the experience of past years has shown that wherever there is a want of water over such an area as will give a profitable return upon the outlay of capital, there are companies ready to be formed to supply the water in the most economical way, and under the most economical management; and if the Committee should recommend, and Parliament should decide to sanction, the measure of allowing Boards of Health to recommend the formation of companies, so that, upon a provisional order to that effect, ratified by Parliament, the companies might be constituted without the expense of coming to Parliament for a special Act, the present sphere of supply will be very much increased indeed.

1398. Mr. *Egerton.*] Will you explain what you mean by that answer?—When under the provisions of the Bill as they would be modified by the clauses presented to the Committee, the local Board are called upon to provide water, and to supply private consumers, there are two modes of doing it; the one would be by authorising the Board to borrow money, or raise capital from the rates, and construct the works themselves, and conduct the private supply under their own management. The other would be by advertising for a public company, and settling with persons, after a tender made, the terms upon which such a company should be formed, and the water supplied; these terms should be laid before the General Board, and the Board should ratify the terms, if approved, and present them to Parliament for confirmation,—the terms involving the creating a corporation, in point of fact, a water company, with all necessary powers.

1399. Do not you apprehend that such a measure as that would give rise to great opposition from the existing water companies?—Not as limited by the clauses which I have laid before the Committee, for it would never come into operation, except where there was no water company existing or willing to supply.

1400. *Chairman.*] Were you understood to suggest that the course which you have last spoken of should be adopted only in places where no water companies existed?—Yes; or where the existing companies are not willing to supply on the terms stated in their Act.

1401. Mr. *Wilkinson.*] Will you point out to the Committee anything which it is proposed to enable the local Board to do as regards the existing water companies, that may not already be done, either by corporations as they exist, or by private companies applying for Acts of Parliament to carry on works on their own account?—The Bill as it was originally presented to the Committee would enable a local Board to lay out money from the public rates in the construction of waterworks, and that is quite a new thing.

1402. Might not that be done by private Acts of Parliament?—It might be done by private Acts of Parliament, but then it would be open to every ratepayer to come before Parliament and oppose it, and to every company then existing also to oppose it.

1403. Would the company have any *locus standi* in such a case?—Not upon the old rules of *locus standi*, but those rules are now much modified.

1404. *Chairman.*] You would suggest that facilities should be given for the creation of waterworks in places where no waterworks exist at present; but that where waterworks exist at present those facilities should not in any way apply?—Yes;

—Yes; where waterworks exist, and are willing to find a supply of water; it would not be fair that the local Board should be authorized to raise up a competition against a company which is performing its duty, and performing its contract with the public under the Act of Parliament, merely because all companies were formed subject to competition. The competition to which they were all subjected was that naturally arising upon the state of circumstances which existed when the Act was passed; but if you now were to authorise all local Boards officially to raise competition, you would be bringing in a new state of things, which capitalists could not have expected when they laid out their money; and which, if they had anticipated it, would perhaps have prevented the company from being formed. It does not appear to me that it would be fair to the company, or wholesome as regards the public; you should make it the work and official duty of the local Board to create competition.

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1405. Mr. *MacGregor.*] If the object of the local Board were solely to provide for public purposes, could their operations be construed into acts of competition with the company?—If the powers conferred upon the local Board are confined to supplying water for public purposes, I do not think the water companies will complain of them.

1406. Confining yourself simply to that, do you see a great objection to the arbitration clause in reference to a water supply for public purposes?—No, I do not.

1407. *Chairman.*] Would not the local Board be wholly at the mercy of the company?—All that is provided by the clauses which I propose is, that where Parliament or private companies have already effected the supply of water to a district, the local Board shall not interfere; but where water is not supplied, power should be given to the local Board to create a water company, and by that means to furnish a supply. May I make a suggestion to the Committee as regards the clause affecting streets. The Bill as it was originally printed, gives power to the local Board to inflict a penalty upon anybody who shall break up the streets. It will be necessary to lay some restriction upon that penalty, so that it shall not prevent existing water companies taking up the street for the purpose of mending their pipes and laying down new pipes, otherwise it would lay a penalty upon every water company taking up its pipes. To afford that protection, it will be necessary in the clause respecting streets to insert a section of this kind: "But nothing herein contained shall prohibit or authorise the local Board to prevent the laying down, repairing, or altering of pipes under such streets, in connexion with any existing waterworks or gasworks."

Mr. *Edmund Minson Wavell*, called in; and Examined.

1408. *Chairman.*] I BELIEVE you are town clerk of Halifax?—I am.

Mr. *E. M. Wavell.*

1409. Do you wish to make any suggestions to the Committee in reference to the Public Health Bill as introduced this year?—I was sent by the local Board of Halifax in company with the mayor and others, as a deputation to the general Board of Health, with a view to suggest some alterations in the Bill as it stood.

1410. To what point do you wish to draw the attention of the Committee?—We wished we might have the new Bill substituted for the Act of 1848, without some of the formalities which were prescribed by that Bill; I am told that on that point some things are materially altered; the view of the local Board of Halifax is that where local Boards are existing they should, with the concurrence of the general Board of Health, be at liberty to receive the new Act, or portions of it, without interfering with the existing provisional order; we have already had three public inquiries at Halifax, showing that our local circumstances had been well considered.

1411. You do not wish to be interfered with?—We do not wish to be interfered with.

1412. Mr. *Wilkinson.*] Do you mean to say that you do not wish to have any parts of your Act repealed by this Act?—No, the greatest repugnance is felt in the community, not only by the local Board, but by the population of Halifax in general, as to the provisions in this Bill relating to private companies, especially to water and gas companies. The local authorities of Halifax, by its local Act, have had power to supply the town with water for nearly a century, and the provisions of this Bill as it stood, seemed entirely to take that power away from

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the authorities to the great advantage of private companies. In Halifax, for many years, very serious inconveniences have been felt, and grave complaints have been made, as to the mode in which the gas has been supplied by our gas company. We have found it impossible that either the public or private convenience could be secured. I submit, as the views of those with whom I am in communication, that this Bill should certainly not confer greater powers upon private companies than they already possess, as the experience of the local Board of Halifax has shown the danger of allowing them too much power. Very great difficulties have arisen from the fact that there is but one gas company in Halifax. We are in the immediate vicinity of coal; the place stands upon a hill, from which the coal is obtained; the company have an authorised capital of 15,000*l.*, and paid themselves, upon the average of years, something about seven per cent. and have trebled their capital.

1413. *Chairman.*] What is their charge?—They charge 4*s.* a thousand cubic feet.

1414. What is the price of coal at Halifax?—Coal will be about 7 *s.* a ton; but I submit to the Committee that the price per ton is by no means a criterion of the price which ought to be charged for the gas. The illuminating power of the gas in Halifax is about half what it is in Liverpool, whereas the price is the same. The gas in Liverpool is 4*s.* a thousand cubic feet; in many other places it is 3*s.* 6*d.* and 3*s.*; but the illuminating power with us is only half what it is in some places.

1415. Lord *R. Grosvenor.*] How do you conceive that the clauses of this Bill confer additional power upon the gas companies?—My interpretation of the Bill as it stood was, that the Bill intended to prevent local Boards from supplying the public with gas; it would, in truth, deprive the corporation of Halifax of the Parliamentary powers which they have possessed for a long period, to light and to supply themselves with gas.

1416. Mr. *MacGregor.*] What has prevented competition from coming into action in your neighbourhood; how is it that you are content with only one company?—Simply for the reason that one has an Act of Parliament, and it is the only one that has; and the great costs in obtaining a private Act of Parliament has been the chief impediment; but within the last six months the corporation of Halifax, after a great many years of complaint, have promoted the formation of another company, so that they may be no longer tied down to any particular privileged body. The fact is, that companies, in the course of time, degenerate into hands which have no sympathy with the interests of the community in which they exist. In Halifax we have a specimen of that.

1417. Lord *Robert Grosvenor.*] Is the corporation of the town of Halifax, by the new Act, deprived of the power of supplying gas?—Yes; I understand that, by the provisions of the Bill as it originally stood, where there is an existing company, the local Board are to contract with it.

1418. Did not you state that there is in your town a new company?—There is a new company formed, but not yet in operation; and I apprehend that the effect of this Bill would be to deprive us of the power of taking gas from the new company.

1419. *Chairman.*] Did not you state that you have adopted the Public Health Act in Halifax?—We have, since 1851.

1420. Supposing these clauses to pass as suggested by the Committee, you would be compelled to contract with the existing company; is that what you complain of?—It is; we should call that a great public misfortune.

1421. Mr. *MacGregor.*] Do you speak of gas alone?—I do; the water belongs to the corporation; we have conducted the waterworks for a century. There is also another great inconvenience which I have to complain of: the local body has the control of the streets, but they are liable to be interfered with by the gas companies, who will lay down their pipes in the road.

1422. *Chairman.*] Have you any power now to supply the town with gas and water?—We supply the town with water at present.

1423. Have you any power to supply the town with gas?—We have power to erect works for the purpose of lighting the town.

1424. Have you ever carried out that power?—Some weeks ago, before we knew of the introduction of this Bill, a new company was formed in connexion with the corporation, which entered into a contract with the corporation to supply the lamps with a superior light, on terms more advantageous than we have as yet been able to get.

1425. Mr. *Wilkinson.*] Do you apprehend that the Bill now before this Committee will interfere with these works?—I do; and I apprehend that the whole of these provisions really tend to exalt private companies at the expense of the community, and that the interests of the community will be sacrificed to these private interests.

1426. Mr. *M'Gregor.*] How long have there been objections in the town of Halifax with reference to gas?—Halifax was governed, under a local Act of Parliament, by trustees or commissioners, till 1848, when it was made a municipal corporation. In 1851 it became a local Board of Health. Since the corporation has existed, and indeed during the time of the trustees, the greatest dissatisfaction existed, but we had no Parliamentary power to deal in gas; and it was felt to be an unwarrantable expenditure to make gasworks simply for the public lights.

1427. Mr. *Wilkinson.*] Is your town council elected every year?—Our town council is elected by the ratepayers. Every ratepayer who chooses has a vote. That gives a popular control over the operation and management of works necessary for public utility, which we find to be exceedingly salutary as regards the waterworks.

1428. If this Bill were carried, and the town council disposed to make use of it, have you any expectation that the ratepayers would be dissatisfied, or that they would wish to express their opinion again upon such a subject?—I feel the strongest conviction that nineteen-twentieths of the population of Halifax would be opposed to being chained to any particular company.

1429. Supposing the town council to be disposed to adopt this Act, is there any idea in your mind that the ratepayers would desire to have another opportunity of expressing their opinion in this matter; or do you think they they would be content to have it in the hands of the town council?—I think the ratepayers would not wish to express their opinion again, seeing that the Public Health Act is already in operation in the town.

1430. Mr. *Langton.*] Do you think that the Public Health Act has given general satisfaction in the town?—I think that in Halifax the Act of 1848 has operated very advantageously for the community. I think there are many defects in its provisions, both in this Bill and in the Nuisances Removal Bill.

1431. *Chairman.*] What is the date of the Act by which the gas company in Halifax was incorporated?—It was incorporated in 1822. The Act under which the corporation had power to make works was passed in 1823.

1432. Has that company, thus incorporated under the Act of 1822, applied the provisions of the Act of 1847?—They have not. Their profits are greater than are allowed by that Act.

1433. Lord *R. Grosvenor.*] Do I understand you to say that the corporation have had the power of supplying gas since 1823?—That applied only to the public lamps, and not to the supply of private houses. I should say that in Halifax gas is now being used for manufacturing purposes, and that many manufacturers have made their own works rather than submit to the annoyances incident to the company's supply. I believe that some of them supply gas to their neighbours. The item of gas in Halifax is a matter of great consideration. I believe there are firms who pay 1,000 *l.* a year for gas.

1434. Mr. *MacGregor.*] When you say the Gas Company has trebled its capital, do you mean that it has trebled its capital out of profits?—Out of profits; I have that authoritatively. The statement is, that on 15,000 *l.*, they have capitalized profit to the amount of 30,000 *l.*, making it 45,000 *l.*, and that from the time that their Act was obtained, even before the works were in operation, they have paid something in excess of 7 per cent.

1435. Upon the 15,000 *l.*?—Upon the 15,000 *l.*, and in addition to that they have capitalized profits to the amount of 30,000 *l.*

1436. *Chairman.*] Has any attempt been made to set up another company beyond the one which you have stated as having been made within the last few months?—No, it was felt that the expense of getting a private Bill is so great, that it operates as a discouragement, particularly where a company like this can afford to throw away money by its opposition in Parliament.

1437. Mr. *Wilkinson.*] Supposing it were proposed by this Act, to give to the local Board the power of erecting gas or waterworks for their own purposes, would you think it unreasonable that before they were allowed to do so, they

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should be required to make what effort they could to get a supply from the existing company upon reasonable terms?—The difficulty would be in fixing reasonable terms. As regards the reference made to arbitration, that appears to me to be perfectly delusive in the case of a corporation or of a public body. The matter of complaint would be very difficult to define, and I apprehend, in conflict with private interests, public bodies would be always sacrificed.

1438. Supposing for a moment that those reasonable terms could be obtained, should you think it unjust that local Boards should be restrained from erecting works of their own until they had ascertained that they could not obtain a sufficient supply from existing parties upon reasonable terms?—Assuming that the terms are reasonable, a public body would have no inducement to do so, unless it were the consideration that as it yielded a profit, and was a matter to which everybody contributed, the profit should be applied to public purposes, and not as a private emolument.

1439. Mr. *Egerton.*] What other mode can you adopt for settling a dispute between a company and a corporation, besides arbitration?—Competition will effect the object. As I just now said, public bodies ought not to be tied down to any private interest without some protection as to illuminating power, and as to price; but the illuminating power is with us the great difficulty. I should not complain of their charging 4 *s.* a thousand cubic feet, if the quality of the gas were good. There are no means whatever of correcting it. In case of private disputes, the company may refuse to light anybody, or they may charge what they please for their meter, and they may make any regulations upon the community which may be perfectly tyrannical.

1440. *Chairman.*] Would you desire that a test of the quality of gas should be introduced into the Bill?—That has been done in several recent cases; a test of gas has been introduced in some of the modern Bills, and it is found to work well.

1441. You have said that you think arbitration delusive; supposing the Committee were to determine that the local Board should in the first instance go to an existing company for the purpose of entering into a contract with them, and if the existing company should demand excessive terms which should make it necessary to go to arbitration, each party should appoint their arbitrator, and the Board of Trade, or some other public office, were to send down an umpire in case of those arbitrators differing; do you think that would be satisfactory?—I think the cost and trouble incident to such a proceeding would be so great as to discourage any attempt at carrying it into effect.

1442. Would it be more expensive than an Act of Parliament?—An Act of Parliament would be once and for ever, but this would be constantly recurring. Under the provisions of the Public Health Act of 1849, no contract can exist for more than three years; the arbitration could only be for the present period, and that constantly recurring, would be more troublesome, and give rise to feelings of irritation, which a public body would desire to avoid.

1443. Can you make any suggestion to the Committee that would preclude the necessity of arbitration, and also the necessity of coming to Parliament?—Rather than leave the matter to arbitration, I would suggest that some tribunal, such as the General Board of Health, or the Treasury, should be a court of appeal from the local authorities. If, in the erection of new works, the local Board acted with the consent of the ratepayers, and there were an appeal from their decision to some tribunal in London, it would be far more satisfactory than putting it upon arbitration, and, in my belief, it would be less expensive.

1444. You would suggest, instead of having an intermediate inquiry by arbitrators, and an umpire afterwards appointed either by them or by a public department, that the matter should be at once settled on the representation of the parties in the locality, by the central authority?—I would suggest, that in no case, unless the local authority and the ratepayers concurred in the opinion that it was desirable to erect works, it should not be done; but that, on the local Board and the ratepayers of the district concurring in opinion that the necessity existed for the works, then I think that any question which might arise between the local authority and the company should be decided in London, or by a Government officer sent down for the purpose.

1445. Mr. *MacGregor.*] Do you think that a person put forward by the General Board of Health is better fitted to decide the question than the two arbitrators appointed on both sides?—I have found in my practice as a solicitor, that

that arbitrators are always advocates, and that the umpire really decides the matter. Mr. *E. M. Watell.*

1446. Why should not the two arbitrators fix upon the umpire?—If they fixed upon an umpire, and they themselves retired, there would be no objection to that; I should say that that would be satisfactory. 30 March 1855.

Martis, 24° die Aprilis, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Adderley.
Mr. Wilkinson.	Mr. MacGregor.
Mr. Greene.	Viscount Goderich.
Mr. Knight.	Mr. Freshfield.
Mr. Egerton.	Mr. H. G. Langton.
Mr. Irton.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Frank Clarke Hills, Esq., called in; and Examined.

1447. *Chairman.*] WHAT is your occupation?—I am a manufacturing chemist. *F. C. Hills*, Esq.

1448. Do you desire to give evidence before this Committee in relation to the Nuisances Removal Bill, or the Public Health Bill?—I desire to give evidence with regard to the Nuisances Removal Bill. 24 April 1855.

1449. To what point do you wish to direct the attention of the Committee?—There have been some clauses added since we heard anything of the former clauses of the Bill; namely, clauses 24, 25, and 26, relating to washings from gas-works running into any stream, pond, reservoir, or conduit, which would prevent the gas-works from getting rid of their ammoniacal waters, and consequently if the clauses exist as they are, it would prevent their works.

1450. Mr. *Adderley.*] Where are your works?—At Deptford.

1451. *Chairman.*] Have you ever taken objection to these clauses before?—No; I have not seen them before since the Committee met.

1452. Are you not aware that these clauses were passed in the year 1847, and are now inserted in all the Acts brought forward to erect gas-works?—No, I am not aware of it; if they are, you are merely repeating a thing which ought not to exist.

1453. Mr. *Knight.*] The clauses were in the Lighting and Watching Act?—Yes; but this Act is carried on under very different circumstances. We are now put under the power of the local authorities and the policemen, and new machinery is set to work by which gas-works, and parties making projects for gas-works, would come in contact with the law in a manner which formerly, under the old Act, did not take place. The effect would be, that if this Act were carried into execution, and followed up, perhaps it never would be; but I suppose that the Bill was passed in order that it should be; it would prevent any of the produce from the gas-works running into any stream or river, as it does in gas-works all over the country. There is a certain production called ammonia water; the ammonia is distilled off, and the water is allowed to run into any stream; it is not noxious.

1454. That which you object to is the facility afforded by the new Bill for putting the Act of 1847 and other Acts into active operation?—Yes; it would immediately bring us under the power of the local authorities, who are bound to enforce the Act, and then a simple apparatus is set to work by means of the Act, in order to enforce its provisions; they would close the ammonia works which take the products from the gas-works, and consequently close the gas-works, because in that case there would be no possible means of getting rid of it.

1455. Mr. *Adderley.*] You say that gas-water is not injurious?—Not at all.

1456. Do you think that water into which gas-works discharge their refuse might be safely drunk by man and beast?—I do not say that it could; certainly not;

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not; but it is nothing like so injurious as a sewer; it has a characteristic faint smell.

1457. Would you object to drink it?—I should; but it would not kill fish; there is no sulphuretted hydrogen; it is ammonia and water; by the process of distillation, the ammonia is evaporated; there are hundreds and thousands of gallons of it made every week in London that must be got rid of somewhere; if this Act is carried into effect, it will be impossible to do so.

1458. *Chairman.*] Are you aware that these discharges are illegal now?—No, certainly not.

1459. Mr. *Wilkinson.*] Do you use in your business any of this water?—Yes, we do.

1460. How much do you use in a week?—About 80,000 gallons.

1461. What is the process to which you subject it?—The water containing the ammonia is distilled; the ammonia is passed off in gas by a variety of means, and the water with which the ammonia was previously combined is allowed to run into the sewer.

1462. It is conveyed from the gas-works to your premises, where it is dealt with as you have described, and after that, it is allowed to run into any stream?—Quite so.

1463. Is it any longer gas-water?—Perhaps it might not come under this clause.

1464. Do you think that the clause applies to what flows from gas-works?—It is not limited to water; but it applies as well to water as to other things.

1465. Have you looked at this clause, clause 24 of the present Bill?—Yes.

1466. Then you are aware that it speaks of any stream whatever, whether that stream belongs to any party, or is common to the public?—It says so, and I cannot understand that, because in the next clause there is mention made of the person owning the water; who owns the common streams I do not know; I thought, perhaps, it only referred to encroachments on private interests.

1467. *Chairman.*] Is there any other point to which you wish to refer the Committee?—Yes. I know a good deal has been accorded to the manufacturers; but still the interests of the manufacturers are so large, that I trust the Committee will allow me to make a few observations. We are still affected injuriously in what was the 31st clause, and I believe is now the 28th. It provides that any person committing a nuisance is not to be subject to any fine if he uses the best practical means for preventing or counteracting such effluvia or other annoyance. Now, "the best practical means" is so exceedingly vague a term, that it would leave it open to any number of persons whom you called in to give just as many different plans. I have been a good deal engaged in cases of this sort, and know what would be proposed.

1468. What would you suggest instead of those words?—It is a very difficult thing to suggest, but perhaps something of this kind, would be better: "The best known means practicable for the carrying on the trade," or, "practicable while carrying on the trade," or "practicable under the circumstances."

1469. Do those words define it more clearly than the other words?—Yes, because a police magistrate would consider that "practicable" meant anything that could be done; that I know from experience; because under the Smoke Act several police magistrates have taken to this fancy, that if it were possible to construct any furnace by which smoke could be consumed, that is the best practicable means, and I remember that 12 persons were fined on that ground; they said it did not signify whether they stopped the manufactory; it must be done.

1470. Mr. *Irton.*] Would not scientific improvements, and other means, be found out for remedying these nuisances?—I know what is intended; but in this case it would be left open for the magistrate. I would say, "the best known means practicable with carrying on the trade."

1471. *Chairman.*] If we put in the words "the best known means practicable," would it not still rest with the authority of the police magistrate to determine what is the meaning of those words?—Yes; but I would say "consistently with carrying on the trade;" otherwise he might put a stop to it altogether.

1472. Mr. *Wilkinson.*] Would not the words "reasonable or practicable," answer your purpose?—It ought to be, with carrying on the manufactures. I do not believe that it is the intention to put down the manufactories.

1473. As

1473. As to the manufacturers, you are willing to allow that they are bound, or ought to be bound, fairly and rightly to use every reasonable and practicable means for preventing annoyance from their manufactories to the neighbourhood?—Most undoubtedly; and I believe all the manufacturers are most desirous to do all they can; but they do not wish to be subjected, when they have spent hundreds and thousands of pounds, to be removed from the place at the dictum of the magistrate, with an appeal only to the quarter sessions, when they may have used the best means, but the other party think they have not.

1474. Your objection is, that there is no party capable of judging what the means are?—It should be what practical men considered were the best means while the trade is carried on. I am sure in practice this clause would stop many trades.

1475. You mean such practicable means as are consistent with the carrying on the manufacture?—I understand that if it seemed right to the Committee to do that, the manufacturers would be satisfied that that is what we want. I have known as a fact that they have suggested a variety of things. I know that in one gas-work they proposed to build a chimney 400 feet high, and then to make a large furnace under the centre of it.

1476. Mr. *Egerton.*] Do you appear on behalf of the manufacturers?—Yes; we have a large society.

1477. Are you the secretary of that society?—I am the chairman, and I am a manufacturer also; we represent soap-works and chemical works, and a variety of other manufactures.

1478. Mr. *Irton.*] The suggestions made for remedying the nuisance must depend upon the scientific evidence given?—Yes, but unfortunately the magistrate is not always the proper person to judge as to the effect of that evidence; if it were a judge of one of the courts of Westminster, it would be less objectionable.

1479. Mr. *Egerton.*] What manufacturers do you represent?—We represent soap-works, sugar refiners, tanners, manufacturing chemists, and a variety of other trades.

1480. What is the name of your society?—It is called the "Union of Manufactures"; it is not the same society as Mr. Knight has appeared for.

1481. When was it established?—As soon as we heard of these Bills being brought before Parliament.

1482. How many members does it consist of?—There are a good many hundreds of members in it.

1483. Where do you meet?—At St. Bennett's-place, Gracechurch-street.

1484. How long have you acted as a society?—Only for these last two months, since we found, or supposed, that we should be put under the authority of policemen and officers, who would put the Acts into motion, which would never have been otherwise done.

1485. Have you any list of the members who belong to your society?—I could send one to the Committee; we have subscribers from sugar works, soaperies, tanneries, cement works, and almost every other manufacture round London.

1486. Has your society held meetings to consider this Bill?—We have held a great many. If the provisions of this Bill were carried out, it would subject them to great annoyance.

1487. Have you had any opportunity of seeing the Bill since it was amended in this Committee?—Yes.

1488. How did you get it?—Mr. Wilkinson showed me the clauses. We did not know what to do; we wished to do that which was perfectly right, and we believe that the Committee do also; and therefore we want to have something that would be a beneficial law, which would not subject us to unnecessary annoyance.

1489. *Chairman.*] Are there any other suggestions which you wish to make?—That is the principal one.

1490. Mr. *Egerton.*] Would not the words that you have proposed be open to the same objection as the words of the present clause?—I should suggest saying, "practicable with carrying on the business;" because I suppose something to be suggested which, if it was done, business could not be carried on; there would be no remedy at present.

1491. *Chairman.*] What are the words that you propose to insert, and where would you propose to insert them?—In the proviso of this clause, 31 of your Bill,

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Bill, I would say, "without using the best means which are efficient, practicable, and consistent with the carrying on of the business."

1492. Mr. *Egerton.*] Would not the difficulty in that case be, that you may have witnesses called whose evidence may vary very much?—I think the judge must decide as to that; we would have no objection to using the best practicable means, but we do not want our business stopped; it is a very difficult point; we do not like the Bill at all; we think that there is a machinery being called into play which will cause a great deal of annoyance.

1493. *Chairman.*] Is there any other point to which you wish to direct the attention of the Committee?—There is only the point of appeal to the court of quarter sessions; the manufacturers think that where such interests as large gas-works, or large soap-works are concerned, where many thousands of pounds are expended in improvements, we ought not to be limited to the court of quarter sessions; we ought to have the option of going to a superior court; it is a most important point, and it is not fair to the manufacturers that quarter sessions, which consist of magistrates, and jurymen in smock frocks, should have to decide such questions as these.

1494. We have been told by many manufacturers that the court of quarter sessions would be a sufficient appeal?—I have talked to many manufacturers, and they think it would be very hard that they should be obliged to go to that tribunal; they do not consider the parties competent to decide these matters.

1495. Is there any other point to which you wish to direct the attention of the Committee?—That is all that I wish to mention; if these things could be put into the shape I have suggested, it is all we wish.

1496. Mr. *Wilkinson.*] Do you think that if these alterations which you have suggested were made, the parties you represent will be satisfied?—They think that is the best thing they can do under the circumstances; they would not have the Bill at all if they could help it; but if there is to be a Bill, they think that is the best thing to be done; these points are very important, and I hope they will be carried out. May I make one further suggestion with regard to the right of entry: it is left dependent upon whether a person is of opinion that a nuisance is existing; we think it is scarcely matter of opinion, and that there is no necessity that private property should be subject to entry, because it will be quite visible, and anybody could know whether there was a nuisance existing without entry; if there were a nuisance existing on the premises, there would be a perceptible effluvia.

1497. *Chairman.*] All that is provided by the Bill is, that where the local authorities, or their officers, shall believe that a nuisance exists, they may demand to be admitted; but that if the manufacturer refuses admission, then the case comes before the justices; what objection do you see to that?—It would subject the manufacturers to this annoyance: a great many people have secret modes of performing different manufactures; I know many cases in which a party would give hundreds of pounds to go into another person's manufactory, and that might be done under cover of coming to discover a nuisance which is going on inside.

1498. Mr. *Wilkinson.*] How would you propose to alter that clause?—I should say that where there is an effluvia outside, it can be as well known as if there were a right of entry.

1499. Mr. *Irton.*] If you refuse admittance to any party, all that he can do is to go to the magistrate; do you think that the magistrate would authorise a vexatious proceeding against anybody?—I do not suppose that he would; but I would submit that that is an unnecessary power when it can be as well discovered from the outside.

1500. Mr. *Wilkinson.*] Suppose the clause to be altered thus: "If they, or any of their officers, have reasonable grounds for believing that a nuisance causing effluvia offensive or injurious to the health of the neighbourhood exists:" nobody could ask for admission into any premises unless they caused an offensive effluvia?—The words are, if they suppose that a nuisance exists; it is only a matter of supposition.

1501. *Chairman.*] Are you not perfectly aware that the clause as it now stands has received the assent and approval of all the manufacturers who have been before this Committee?—It is not a serious matter; we thought it would be better to alter it. I do not know if it is of any use to talk about compensation; and if not, I have nothing further to say.

Joseph Heron, Esq., called in; and further Examined.

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1502. *Chairman.*] I BELIEVE you are Town Clerk of Manchester?—Yes, I am.

1503. Have you any suggestions to make to the Committee?—It is perhaps desirable that I should refer to one or two matters, rather than go through the various clauses of the Bill. But perhaps I may state shortly the objections that occur to the town council of Manchester, going through them rapidly. First, as to the description of a nuisance; it appears to us that it may be difficult to determine what is a nuisance. Almost anything may be declared to be a nuisance. The qualifying words introduced into the previous Acts are omitted here. In this Bill the description is too general; in previous Acts it was, "so as to be a nuisance to, or injurious to, the health of any persons:" those words are altogether omitted. Therefore, really it is very difficult to say what might not be suggested or declared to be by somebody or other a nuisance. The word "nuisances" under this Act shall include any filthy, unwholesome, or dilapidated premises. I am sorry to say a large proportion of the houses in Manchester might under this clause be a nuisance. "Any foul or offensive pool, ditch, gutter, watercourse, privy, urinal, cess-pool, drain, or ashpit; any animal so kept as to be injurious to health; any decaying or offensive accumulation or deposit." That is the description of nuisances. Now really it is very difficult to say what might or might not be declared to be a nuisance under this clause, and it is only necessary to have certain notices served upon the local authority, and they must put the Act in motion. In the Act now in force, and which is proposed to be repealed, these words qualify every nuisance referred to, "so as to be a nuisance to or injurious to the health of any person." In the Act of the 11th & 12th Vict. c. 23, whenever this definition of a nuisance is referred to, these words follow: "so as to be a nuisance to or injurious to the health of any person." Then by clause 14 of the old Bill, "if a notice shall be given to the local authority by two or more inhabitant householders, or by the relieving officer."

1504. Mr. *Adderley.*] What is the marginal note of this clause?—It is "Notices of nuisances to ground proceedings of local authority." It would appear to me that the local authority must take cognizance of any nuisance on the information of their inspectors after entry made, or upon a certificate signed by their medical officer, or two legally qualified medical practitioners.

1505. *Chairman.*] That is struck out?—That removes the objection. The next matter I wish to mention is the clause referring to obtaining costs. The marginal note is "Costs and expenses of works to be paid by the person on whom order is made, or owner or occupier." The objection felt to the clause as it stood was, that all costs or expenses shall be paid by the person on whom the order is made. And in case of nuisances, the premises shall continue chargeable with the costs and expenses, and all subsequent penalties which may be incurred; and such costs and expenses and penalties, together with the charges of suing for the same, may be recovered from the owner or occupier.

1506. In the present Bill there is a proviso that the costs or expenses shall not exceed two years' rack rental. Does not that meet your views?—I do not see why the owner should be made liable at all. In many cases the nuisances arise by the acts of the tenants, over whom he has no control. Penalties may be incurred by the tenant for neglecting to attend to the orders for which he alone is responsible.

1507. Mr. *Irton.*] Would you object to the clause if it stood thus: "And in case of nuisances caused under this Act by the default, permission or sufferance of the owner of the premises"?—If that be so limited, I should not object; of course the owner ought to be liable, if the nuisance was a nuisance created by the landlord, or by the neglect of the landlord or the landlord's agent, it might be quite right that he should be liable. With regard to the Bill as it stood, the objection was, that it was alternative. The words were, "the owner or the occupier," and therefore the owner clearly was made liable. Then there is a clause as to what the surveyors of highways are required to do; the words are, "to scour, cleanse, and keep open, as far as may be practicable, all ditches, gutters, drains, or watercourses, in and through any lands or grounds adjoining, or lying near to any such highway." We do not see for what purpose the surveyors are to be actually required (for it is not that they may, if they think fit, but they are actually required) to do the draining for the purpose of improving the land. Suppose there is land in a state requiring

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drainage, why should the obligation be cast immediately upon the surveyors to do that work? And all they are authorised to do in return for the expense is to sell the "matter" removed, and to apply the proceeds in the repair of the highways. I am afraid the expense would often far exceed anything that could be obtained by selling the "matter" removed. Then clause 27 is as follows: "provided that whenever any such ditch, gutter, drain, or watercourse, as aforesaid, shall be used, or partly used, for the conveyance of any water, filth, sewage, or other matter, from any house, buildings or premises, and cannot, in the opinion of the local authority, be kept free from foulness, without the laying down of a sewer, the local authorities shall, and they are hereby required, to lay down such sewer or other structure." Now, taking the case of Manchester, I am almost afraid to state the cost which might be necessarily incurred, or which any parties would be in a situation to require should be incurred, under that clause. We have a number of old rivers and old watercourses that have become in process of time almost main sewers, and cannot be done away with. I believe it would entail an expense of 150,000*l.* or 200,000*l.* to attempt to carry out that clause; and no sort of discretion is left to the local authorities; we are required to act. The question as to what a water-course means would give rise to a great many difficulties; whether, for example, it included the Duke of Bridgewater's Canal or the River Mersey, both of which are positively pestilential, are questions which arise under this clause; and we feel it would expose us to extreme liability, apparently without the authorities having any discretion in the matter.

1508. *Chairman.*] What suggestion would you make which would remove the difficulty?—I think it ought not to be made obligatory upon the authorities to do this, unless they saw it was practicable, and that the result would be equal to the expenditure necessarily incurred in attempting it.

1509. Mr. *Wilkinson.*] You think that the power should be permissive?—I think it ought to be permissive, or guarded in some way, because it would apply to many districts in the country. There are watercourses in the rural districts that have become sewers, and it would require main sewers to be constructed for miles and miles, in order to get rid of the refuse which now is turned into them. They are the only drains that they can obtain.

1510. *Chairman.*] What is the next point to which you desire to call the attention of the Committee?—I would observe with reference to nuisances from offensive trades, that though we do not wish to object to any of the protective clauses suggested, yet the words I have heard suggested since I came into the room, would enable some trades to be carried on, which no chemical or engineering skill could by any possibility make otherwise than offensive and dangerous to the health of the inhabitants. The words I refer to are "consistent with the efficient carrying on of that trade." I refer to those words, because there have been one or two trades which we have been actually obliged to stop; for instance, bone boiling, which I believe there is no possibility of making otherwise than dangerous to the health of the inhabitants.

1511. Mr. *Irton.*] Are they not indictable as a nuisance under the common law?—They are; but that would apply to all cases. Then the other clause to which we feel even more objection than to any other is, that which authorises the justices "in every case where notice of nuisance has been given to the local authority in conformity with this Act, and such local authority has not within 14 days after the receipt of such notice taken the steps required by this Act," to levy penalties on such local authority. Now it appears to me that under this Act, anything of which notice is given to the authority, becomes at once a nuisance. It does not matter what interference may be involved with private rights or public interests, if you can only get two people to send in a notice to the local authority to declare something a nuisance, or get a certificate signed by two medical men (and I am sorry to say they will sign a certificate very often where I should not), it becomes a nuisance.

1512. *Chairman.*] That is struck out?—But whatever may be the protection afforded by that alteration, the local authority is required to carry out all the provisions of this Act, with the view to get rid of any nuisance brought under their notice, and if they neglect, it is suggested that they are to be liable to be summoned before the magistrates. Now, I venture respectfully to suggest to the Committee that that is altogether a new principle; and I am not aware that it has ever been in any way suggested or sanctioned heretofore. The town council, or the other local authority, are engaged in doing their duty in the best way they can without salary,

salary, and sacrificing their time, and their own convenience, for the benefit of the public, and it does not appear to me just at all that they should be liable to be summoned before the justices, and fined as though they were the salaried and paid servants of the public. The Bill provides that they are to be liable to be summoned before the justices; the justices may fix a time within which certain works—no matter what, or how difficult or expensive—are to be performed; and if those works are not performed, or if the nuisance is not got rid of within a certain time, then the justices are to fine every person a penalty not exceeding the sum which is left blank.

1513. *Chairman.*] A report has been laid on the Table of the House with reference to the state of Newcastle, which is a corporate borough; and it has been stated by the Commissioners in that report, that it is believed that a great number of the nuisances which exist in the town of Newcastle are owing to the default of the town council, who are the local board of health there, because some of the members of the town council are themselves connected with those very nuisances, and therefore they are not suppressed. Now the object of this clause is to prevent the *laches* of persons who undertake to do their duty. What would you suggest in lieu of this clause where there should be obvious *laches* on the part of the local authority?—In all cases there must be some individual or some parties interested in getting rid of any nuisance of which a complaint may be made; let those parties have the opportunity of going before the magistrates, and making the complaint, and getting an order made by the magistrates upon the party from whose *laches* or neglect the nuisance is created.

1514. Mr. *Egerton.*] How would you provide for a case like that of Newcastle, where the governing party have a direct interest in the nuisance?—The magistrates would not be interested, and there always would be somebody who would complain of the nuisance, and he might apply to the justices direct.

1515. Supposing the order should not issue?—In such case it would be from the magistrate's neglect of duty if the nuisance was proved. Because Newcastle, or any other place, has been guilty of neglect, we should not sanction the principle that the authorities are liable to be summoned before the magistrates, and fined a penalty of so much a day, because certain works which, in their opinion may be utterly impracticable, are not attempted to be carried out.

1516. *Chairman.*] The object of this Bill is to create local authorities in different parts of the kingdom, to carry out the provisions of the Bill for the public welfare; and the object of this clause is to compel the persons who voluntarily undertake the duties under the Act to perform those duties. Can you suggest any other means of compelling the parties who so voluntarily undertake to perform the duties under the Act to carry it into execution?—Of course, when you are considering the matter, there is a vast variety of cases that may be suggested as offensive; and I conceive that there may be many cases where individuals may think there is a nuisance existing next door to them, and they can easily get a notice served upon the town council; but the town council may think there is no cause for interference: in such a case you may give that party an opportunity of going before the magistrates, and making his complaint before them.

1517. Mr. *Egerton.*] Do not you suppose that the magistrates would possess the common sense not to grant the order unless the authorities had failed in their duty?—It appears to me that it is setting the magistrates over the town councillors in a very objectionable way.

1518. Mr. *Irton.*] Do you want to set the town council over the magistrates?—No; but I do not wish the town council to be tried before the magistrates, and exposed to penalties for what may be the best service which they can render to the community.

1519. Mr. *Wilkinson.*] According to their Bill, if any person should fancy there is a nuisance, he might appeal to the magistrates even if the town council have taken such steps as they thought necessary to see whether there was a nuisance or not, and whether they have fulfilled the obligation which they have incurred under the Act; is not that so?—No; if they did not get rid of the nuisance, they would be fined.

1520. They are the judges of the nuisance?—No, they are unfortunately not made the judges; the mere fact of serving a notice upon the local authority creates a nuisance; if they can only get two householders to give notice, that makes it a nuisance under the Act.

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1521. Mr. *Knight.*] They would be bound on receiving the notice to ascertain whether it is a nuisance or not, and if they ascertain that it is a nuisance, they are to proceed?—Then the words have been altered; of course it is unfortunate that one is speaking of a Bill which is so much changed; the words are distinctly where a nuisance is so ascertained by or certified to the local authority to exist.

1552. Mr. *Egerton.*] Does not your legal knowledge make you aware that the law throws pecuniary liabilities upon many officers; for instance, the sheriff, the highest officer in the county, is liable to a large amount of penalty?—But he has considerable returns. The under-sheriff receives a large amount per annum from the sheriff, if he is liberal enough to allow the under-sheriff to receive the emoluments; but they attach to the office. Just take the case which I suggested with reference to the clause which requires that whenever there is a watercourse which is offensive, or is a nuisance, there is an obligation cast upon the local authority by this Bill. Now we have those watercourses passing through the city which are objectionable to the parties alongside. There is no doubt that to get rid of that nuisance would involve the expenditure which I have suggested. There would be plenty of people who would be glad enough to send a notice, and take proceedings to summon the town council before the justices for not having got rid of the nuisance, and to require them to do certain works.

1523. *Chairman.*] At the same time, do not you think that those watercourses are great nuisances?—Undoubtedly.

1524. Mr. *Egerton.*] Are there any other points to which you wish to call the attention of the Committee?—I will not trouble the Committee any farther. I feel that I am speaking in the dark, the Bill is so much changed from the shape in which it first appeared.

Martis, 1° die Maii, 1855.

MEMBERS PRESENT:

Sir Benjamin Hall.	Mr. Freshfield.
Lord Robert Grosvenor.	Mr. Knight.
Mr. Irton.	Mr. James MacGregor.
Mr. Wilkinson.	Mr. Thomas Greene.
Mr. Adderley.	Mr. Edward Egerton.
Viscount Goderich.	Mr. Henry Gore Langton.

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

William Farr, Esq., M.D., called in; and Examined.

William Farr, Esq., M.D.
1 May 1855.

1525. *Chairman.*] I BELIEVE you are a legally qualified practitioner, and a Doctor of Medicine?—I am.

1526. Do you now hold an appointment in the General Register Office?—I am at the head of the Statistical Department.

1527. Has your attention been directed to the sanitary condition of the metropolis, and other parts of the kingdom?—It has, for many years.

1528. Has it been directed to the amount of the mortality in the different districts, both urban and rural?—It has. A series of tables has lately been calculated, by the direction of the Registrar-general, throwing light on that subject; they are based on the census returns of 1841 and 1851, from which the population is derived, and on the deaths that occurred in each district during the 10 years from 1841 to 1850: such data show satisfactorily the sanitary state of every one of the 624 districts into which the country is divided.

1529. Under the Public Health Act of 1848, the Act might be applied, as you are aware, either by prescription or by Order in Council; and where it should appear that the mortality in any place exceeded 23 in 1,000, the General Board of Health had the power of applying the Act arbitrarily or compulsorily; the Committee desire to hear your opinion as to whether 23 in 1,000, as it stands in the Act of 1848, should be continued as the rate of mortality at which it

it would be proper for the General Board of Health to interfere, and apply the Act?—Perhaps the more satisfactory course to the Committee would be to state the facts, as to the present rate of mortality prevailing in some of the chief districts. The registration districts are based upon the poor-law division of the country into unions; those districts were resorted to in taking the census and in registering the deaths. Generally speaking, a district includes the whole of the town of the same name, but it often takes in rural parishes around the town.

1530. It may sometimes happen that you have a union comprising an agricultural and a rural population?—Yes; I should at first state to the Committee that there are a great number of districts in the country in which the mortality is much lower than the number you have named. There are districts in which the mortality is as low as 15 in 1,000, in some 16, and in others 17 and 18 in 1,000.

1531. What is the nature of those districts in which you find that the mortality is only 15 or 16 in 1,000?—The districts are open, and the population is generally dispersed. We have divided the country into 11 divisions, or groups of counties: in this, following the census. The northern division includes Durham, Northumberland, Cumberland, and Westmorland. There are two districts in that division, in which the mortality is 15 in 1,000, viz. Rothbury and Glendale.

1532. Are those purely agricultural districts?—Yes; they are at the foot of the Cheviot Hills, the most healthy part of Northumberland. The districts of Haltwhistle and Bootle show a mortality of 16 in 1,000. There are five districts in which the mortality is 17 in 1,000, viz. Belford, Bellingham, Brampton, Longtown, and East Ward. There are five districts, in which the mortality is 18 in 1,000, viz. West Ward, Castle Ward, Penrith, Morpeth, and Hexham. Those districts contain small towns. There are two districts, in which the mortality is 19 in 1,000, viz. Wigton and Alnwick. There are eight districts, in which the mortality is 20 in 1,000, viz. Weardale, Teesdale, Alston, Darlington, Houghton-le-Spring, Chester-le-Street, Kendal, and Easington. There are four districts, in which the mortality is 21 in 1,000, viz. Auckland, Berwick, Cockermouth, and Stockton. In the Durham district the mortality is 23 in 1,000. In the three districts of Tynemouth, Carlisle, and Sunderland, the mortality is 24 in 1,000. There are two districts showing a mortality of 25 in 1,000, viz. Gateshead and Whitehaven. In South Shields there is a mortality of 26 in 1,000. In Newcastle-upon-Tyne there is a mortality of 27 in 1,000. The 10 years take in the time when the epidemics, cholera and influenza, prevailed.

1533. Mr. *Irton.*] The mortality in many of the towns would, I presume, be increased by the removal of old people to that town in which the union is?—The whole of the union is taken in making the calculation.

1534. Mr. *Wilkinson.*] If your 10 years include the time of the cholera at Newcastle, does not that disturb the result of your calculations?—It does, to a certain extent; but it does not disturb the general current of the calculation. One town in the next 10 years may be raised one or two, or depressed one or two, in the rate of mortality in 1,000, but the difference from this cause will not be very great. The great outbreak of cholera in Newcastle occurred subsequently.

1535. Mr. *H. G. Langton.*] Do I understand you that the mortality has not been progressing?—I think it is higher than it was 20 years ago.

1536. *Chairman.*] Have you an average of all the counties?—I have not, but I could easily procure it. I will next state the rate of mortality in the eastern counties, Essex, Suffolk and Norfolk. In that division there are three districts in which the mortality is at the rate of 17 in 1,000, viz.: Henstead, Ongar and Mutford. There are nine districts in which the mortality is at the rate of 18 in 1,000, viz.; Freebridge Lynn, Loddon, Blything, Thingoe, Epping, Stow, Bosmere, West Ham and Samford. I will pass on to two districts in which the mortality is 22 in 1,000, and those are Risbridge and Downham. In three districts, Ipswich, Yarmouth and Kings Lynn, the rate of mortality is 23 in 1,000. It is 24 in 1,000 in the four districts of Colchester, Norwich, Orsett and Bury St. Edmunds. Those are all dense districts, with the exception of Orsett. Now I will take the south-western counties, which include Dorsetshire, Devonshire, Cornwall, Somersetshire and Wiltshire. In those counties the rate of mortality, in many districts, does not exceed 18 in 1,000. There are two districts, Holsworthy and Okehampton, in which the mortality is 16 in 1,000. There are 10 districts in which the mortality does not exceed 17 in 1,000, viz.: Torrington,

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Torrington, Williton, Kingsbridge, Barnstaple, Crediton, Bideford, Camelford, Stratton, Launceston and St. Columb. There are 11 districts in which the mortality is 18 in 1,000; and 17 districts in which it is 19 in 1,000. There are 19 districts in which the rate of mortality is 20 in 1,000; and there are seven districts in which it is at the rate of 21 in 1,000.

1537. Lord *Robert Grosvenor.*] Does that last calculation include any town?—It applies to Wilton, Falmouth, Beaminster, Highworth, St. Germans, Warminster, and Yeovil. There are six districts in which the mortality is at the rate of 22 in 1,000, namely, Frome and Shepton Mallett, Melksham, Bridport, Alderbury, Westbury, and Devizes. In Bath the rate of mortality is 24 in 1,000; in Exeter and in Plymouth 25; in Stoke Damerel, in the neighbourhood, it is 26; in Salisbury 28; and in East Stonehouse 29 in 1,000. That completes the south-western division. The five last districts are exceedingly dense, and evidently include towns only. The next is the sixth division, called the West Midland Counties Division. It comprehends Herefordshire, Shropshire, Staffordshire, Warwickshire, Worcestershire, and Gloucestershire. In that division there are two districts, in which the mortality is at the rate of 17 in 1,000. Those districts are Winchcombe and Kings Norton. There are eight districts in which the mortality is at the rate of 18 in 1,000. There are 13 districts in which the rate of mortality is at the rate of 19 in 1,000; and 19 districts in which it is at the rate of 20 in 1,000. That includes towns, such as Warwick, Market Drayton, and Ludlow. There are 13 districts in which the rate of mortality is 21 in 1,000. There are five districts in which the rate of mortality is at 22 in 1,000, viz.; Kidderminster, Leominster, Hereford, Stafford, and Bromsgrove. In the three districts of Madeley, Clifton, and West Bromwich, the mortality is at the rate of 23 in 1,000. There are four in which it is 24 in 1,000; viz., Worcester, Gloucester, Stourbridge, and Walsall. In Foleshill and Dudley, the mortality is 25 in 1,000. In the four districts of Wolstanton, Newcastle-under-Lyme, Birmingham, and Shrewsbury, the mortality is at the rate of 26 in 1,000. There are four districts; viz., Stoke-upon-Trent, with Wolstanton (the Pottery district), Coventry, Nuneaton, and Wolverhampton, in which the rate of mortality is 27 in 1,000. In the Bristol district it is 29 in 1,000. I may, perhaps, be allowed to add, that the facts already before you show very clearly that the mortality does not generally exceed 17 in 1,000, unless there are circumstances in some way unfavourable to health. I should, however, state to the Committee that this mode of calculating and determining the relative salubrity of districts is not quite exact; for this reason, that the districts contain populations of various ages, and not always in the same proportion. This affects the question of the relative mortality of town and country. I will take as an instance one district in Lancashire, Ulverstone, in 1838–44. The mortality of males in that district was at the rate of 17 in 1,000, whilst in Manchester the mortality of males was at the rate of 34 in 1,000. That mortality, of course, occurs among children, middle-aged people, and old people, and under ordinary circumstances the mortality at those several ages differs.

1538. Mr. *H. G. Langton.*] Could you tell us the difference in the rate of mortality in different parts of Manchester?—I could ascertain that. In Ulverstone the mortality of male children under five years of age, in the years 1838–44, was at the rate of 39 in 1,000. At the age of from 10 to 15 years, of boys at school, the mortality is only 3 in 1,000. At the age of from 15 to 25, it is only 8 in 1,000. If you take the age from 25 to 35, it is 9 in 1,000. At the more advanced age of from 65 to 75, the mortality is much higher; it is at the rate of 59 in 1,000. At the age of the inmates of workhouses, from 75 to 85, it is 152 in 1,000; and above 85, it is 262 in 1,000. I will now show the mortality at different ages in Manchester; and it will be seen that the same sort of law is observed in an unhealthy district, as in a healthy district; but that the mortality is increased in a much greater proportion at some ages than it is at others. For instance, among boys under the age of five years, in the Manchester district, it is 137 in 1,000; at the age of from 5 to 10, it is 14 in 1,000; at the age of from 10 to 15, it is at the rate of 6 in 1,000. At that period of life, it is the lowest in Manchester as it is in Ulverstone; and if you went over the whole of the districts, you would find that between the ages of 10 and 15, there is a lower rate of mortality than prevails among men or among children. The mortality in Manchester, between the ages of 15 and 25, is 9 in 1,000. Between the ages of 25 and 35, it is 13 in 1,000; from the age of 65 to 75, it is 101 in 1,000. Between the ages of 75 and 85, it is 198 in 1,000. That is at the advanced age

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not much higher than it is at Ulverstone. From the age of 85 to 95, it is 293 in 1,000. The same would be observed in other districts; and all I wish to bring under the notice of the Committee is, that as the young and the old in the population are not in the same proportions in all the districts of England, the general rate of mortality is modified to some extent from that cause.

1539. Lord *R. Grosvenor.*] That is caused by the fact of young people moving about in search of work; the youth of the country being attracted to wherever they can find the greatest amount of work?—There is a constant immigration of young men and women into the towns; throughout the whole of this country there is a great excess of young people, where the population is increasing fast: and the effect of that is to make us represent the rate of mortality lower than it otherwise would be. We have a greater proportion of persons between the ages of 5 and 45, than in any country where the population is stationary or is increasing slowly. Our mortality, therefore, appears to be at the rate of 22 and 23 in 1,000; but if a correction be made in that, such as is made in the life tables, our mortality would be raised to the rate of 25 in 1,000. The mortality in several of these districts is 17 in 1,000, and if you make a correction, it would be about 18 or 19 in 1,000, but as the relative proportion of the young may differ in different districts it might tell sometimes slightly in favour of a district, and at other times against a particular district. You must, therefore, take the figures with this qualification, that they may overstate, but do generally understate the mortality to the extent of one or two or three in 1,000. The mortality of males in the dense sub-districts of Manchester (years 1838–44) was 37 in 1,000; the mean lifetime was 24·2 years, and the corrected rate of mortality 1 in 24·2 living, or 41 in 1,000.

1540. You consider that in large towns it presents too favourable an aspect?—Just so. In London, for instance, at the age of from 15 to 25, when the immigration is most active, the mortality of males is only 8 in 1,000. It is as low as it is in several of the healthy districts, but that arises, I believe, from people in health coming to London; it arises in the second place, in my opinion, from servants and others in London becoming consumptive, going for a time into the hospitals, and then, in many cases, returning to their own homes and parishes. At a more advanced age, when they are settled and have families, namely, from the age of 45 to 55, the mortality is 27 in 1,000, in London, and in Birmingham 28 in 1,000, whilst it is only 13 in Ulverstone. Among the working men of London, Birmingham, and Manchester, the mortality is probably double what it is in the healthy districts by which they are surrounded.

1541. Mr. *Freshfield.*] Your general result is 17 in 1,000?—I hold that the mortality should not exceed 17 in 1,000; taking all the deaths arising in a district that are caused by natural circumstances, that may be called the natural rate of mortality, and all above that, I think is an unnatural rate of mortality.

1542. Mr. *Knight.*] You mean that is the minimum, possible?—No, I do not; I have examples in which the rate of mortality is 15 or 16 in 1,000, which ought, perhaps, to be made the base of the scale.

1543. What is the average of England?—Twenty-three in 1,000.

1544. Mr. *E. Egerton.*] Will you be able to distinguish the mortality of the different parts of Manchester?—There are several sub-districts round Manchester in which the rate is much lower than it is in the centre of the city.

1545. Mr. *Wilkinson.*] I think you said that the rate of mortality has increased in the last 10 years?—It is my impression that the mortality has increased since 1815; cholera and influenza have prevailed with great violence.

1546. Is the mortality affected by the density of the population?—It is.

1547. Is there not a constant tendency in a country like this, to an increase in the rate of mortality?—There is, unless it is counteracted, as it might be; the town population of Great Britain is now above 10,000,000, and the mortality is greater in proportion to the whole population, than it was in 1821 or 1831. There is a constant tendency, therefore, in the general mortality of the country, to an increase: the health of the country will decline, and the strength and vigor of the population will decline, unless measures are taken to improve the large towns; in Birmingham, for instance, there is an excess in the rate of mortality of about 9 in 1,000, which gives in 10 years an aggregate of 14,000, unnatural deaths, or 1,400 per annum. If the mortality were as low as in many districts round it, there would be 1,400 less deaths a year in Birmingham than at present; I call the rate of mortality up to 17 in 1,000 the natural mortality.

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1548. Mr. *E. Egerton.*] The rate of mortality in Birmingham is 26 in 1,000, is it not?—Yes.

1549. Mr. *Irton.*] Why do you say that 17 in 1,000 is the natural average?—If you take the facts that I have mentioned, and many others, you will find that there are many districts in which the mortality is 17 per 1,000 or less, and I think all above that excessive. The mortality might be reduced in our towns to a much lower rate than is now prevaling, and I should consider all above 17 in 1,000 unnatural deaths.

1550. Mr. *Adderley.*] You say that the mortality of the great manufacturing towns exceeds the mortality of rural districts; that excess is unnatural?—Yes.

1551. Mr. *Knight.*] Are you acquainted with the Ulverstone district?—I am.

1552. You are perhaps aware that that is one of the most healthy districts?—It is.

1553. Do you suppose that the marshy part of Essex would, putting aside all other circumstances, be equally salubrious with Ulverstone, supposing there were no towns?—Certainly not.

1554. Do you not suppose that a very large part of England would not be so salubrious, as that beautiful district of Ulverstone, assuming that there were no towns?—A large part of England would not be so healthy; but in Ulverstone itself there are many circumstances unfavourable to health. If the cottages, and all the circumstances, were looked into, I have no doubt you would find many things unfavourable to health. Considering that the common duration of life is 70 years, if all people lived to 70 years, your mortality would be 1 in 70, or 14 in 1,000; it might be 12 or 11 in 1,000. If the people lived on an average 60 years, the mortality might be at the rate of 1 in 60, or 16, or 15, or even 14, in 1,000; and if you take 17 in 1,000, it is not an extravagant average. If you find, by observation extending all over the country, that you have a great many districts in which the mortality has not exceeded 17, I think we are justified in saying such a degree of salubrity is a state of things which is quite possible. Whether it would be practicable in large towns, such as Manchester, to reduce the mortality to that low rate, is another question. I think it might be reduced to a number near 17; say to 20.

1555. Mr. *E. Egerton.*] Can you say whether the superior quality of food enjoyed by the inhabitants of towns has any material effect upon the duration of life?—I think it has a good effect in the badly drained dirty districts; where the people are well fed with animal food and vegetables their health is fortified.

1556. In some districts you have given us, you must be aware, the population is very badly fed?—Great numbers are imperfectly fed, no doubt.

1557. Do you find that has an effect upon the duration of life?—Yes; but the ordinary food of the agricultural population appears to keep them in such a state of health, as we see indicated. I would also mention that it has been found by friendly societies that the sick are in a certain proportion to the mortality, so that if you have 17 in 1,000 dying, the number constantly sick, and requiring support and relief would be about 34 in 1,000; but where the rate of mortality is 33 in 1,000, as in Manchester, the constantly sick would be about 66 in 1,000: in that way the health of the country is indicated by the state of the mortality, and you see how the efficiency of the population is diminished by the present rate of mortality in the towns. No doubt the strength of the population must diminish to the same extent; and it is found that recruits for the army are much less vigorous if taken from the towns, than if they come from the healthy parts of the country.

1558. Mr. *Irton.*] The question is, how far this Act would apply to small towns compulsorily. The districts you have given us have no reference to the population of the different towns. The union house is always in the town, and it comprises a large rural district. Cockermouth, for instance, contains a large rural district, and, perhaps, the healthiest district, so that you give us no guide as to whether the Act would apply to Cockermouth or not?—That is so in many districts of the country, but not in all.

1559. Mr. *E. Egerton.*] Supposing the Act to apply in all cases in which the rate of mortality was 23 in 1,000, how many large towns would be affected by this Act?—I could ascertain this for many towns.

1560. *Chairman.*] Have you any data from which you can give the mortality in the parishes in London?—I have before me a table of the mortality in every district in London, arranged in the same order as the districts which I have already submitted to the Committee. There is one district in London in which

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the mortality is at the rate of 17 in 1,000, namely, Lewisham; and this seems to imply that 15 should have been made the standard rate, for there are many noxious conditions in this district. There are two districts in which the mortality is at the rate of 18 in 1,000, namely, Hampstead and St. George, Hanover-square. In the three districts of Kensington, Islington, and Wandsworth, the rate of mortality is 19 in 1,000. In the City of London Within the Walls, and in Hackney, the rate of mortality is 20 in 1,000. There are two districts in which the rate of mortality is 22 in 1,000, namely, the Strand, and St. James Westminster. There are six districts in which the mortality is at the rate of 24 in 1,000, namely, St. Martin-in-the-Fields, Marylebone, Pancras, Clerkenwell, St. Olave, Southwark, and Camberwell. There are four districts in which the rate of mortality is 25 in 1,000; namely, Lambeth, St. Luke, Stepney, and Poplar, including Bow. In four districts, namely, Bethnal Green, Chelsea, East London, which is part of the City of London Without the Walls, and St. Mary, Newington, the rate of mortality is 26 in 1,000. In St. Giles, in the Westminster district, and in Greenwich, the rate of mortality is 27 in 1,000. We are obliged to put Holborn and West London (City) together, and the rate of mortality there is 28 in 1,000. The rate of mortality in Shoreditch is 28 in 1,000. The rate of mortality is the same in Bermondsey and in Rotherhithe. In the two districts of St. George-in-the-East and Whitechapel, the rate of mortality is 29 in 1,000. In St. George, Southwark, the rate of mortality is 30 in 1,000; and in St. Saviour, Southwark, 33 in 1,000. A rough correction has been made for the deaths in hospitals.

1561. What is the average mortality in the metropolis?—Twenty-five in 1,000.

1562. Was that average higher in the 10 years ending 1851, than in the previous 10 years?—We have no sufficient means of comparison, as the registration only came into operation in 1837; what I have before stated, therefore, of the increase of the mortality, must be taken as an approximation, and as my opinion, based on the facts I have been able to collect, rather than as the exact result of data upon which the Committee can entirely rely.

1563. Are you aware upon what basis the average of 23 in 1,000 was founded for the purposes of the Public Health Act of 1848?—I think it was taken from the general mortality of England, which was then at the rate of 23 in 1,000. The next division adjoins London and includes the south-eastern counties, viz, Surrey out of London, Kent, Sussex, Hampshire, and Berkshire. There is one district in that division in which the mortality is at the rate of 15 in 1,000, viz., Eastbourne. There are seven districts in which the mortality is at the rate of 16 in 1,000. This is one of the healthiest divisions in the country. There are 18 districts in which the rate of mortality is 17 in 1,000. In 18 districts the rate of mortality is 18 in 1,000. The rate of mortality in 19 of the districts is 19 in 1,000. There are 12 districts in which it is at the rate of 20 in 1,000. In eight of the districts the rate of mortality is 21 in 1,000. In one district it is at the rate of 22 in 1,000; in three districts it is at the rate of 23 in 1,000; in five districts it is at the rate of 24 in 1,000; and in three other districts at the rate of 25 in 1,000. In Alverstoke it is at the rate of 24 in 1,000, if we exclude Haslar Hospital and the hulks. The next division embraces the south midland counties north of London, viz.: Middlesex, Hertfordshire, Buckinghamshire, Oxfordshire, Northamptonshire, Huntingdonshire, Bedfordshire and Cambridgeshire. In one district the rate of mortality is 17 in 1,000; in three districts it is 18 in 1,000; and in six districts it is at the rate of 19 in 1,000.

1564. Mr. *Knight.*] Which is the least healthy division?—Lancashire and Cheshire. There is one district in which the mortality is at the rate of 16 in 1,000, viz.; Garstang. In Ulverstone and Fylde it is 18 in 1,000. There is one district in which the rate of mortality is 19 in 1,000; in two districts it is 20 in 1,000; in three districts it is 21 in 1,000; in four districts it is 22 in 1,000; in four districts it is 23 in 1,000; in one district it is 24 in 1,000; in six districts it is 25 in 1,000; in six districts it is 26 in 1,000; in one district it is 27 in 1,000; in two districts it is 28 in 1,000; in one district it is 33 in 1,000; and in one district it is 36 in 1,000.

1565. *Chairman.*] What are the six districts in which the mortality is at the rate of 26 in 1,000?—Warrington and Lee, Oldham, Macclesfield, Ashton, and West Derby. In Bolton it is 27 in 1,000; in Salford and Wigan 28 in 1,000; in Manchester 33 in 1,000; and in Liverpool 36 in 1,000.

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1566. Mr. *Adderley*.] You have taken the minimum rate of mortality at what you consider the natural rate of mortality?—Yes, 16 or 17; I take it at 17 to allow for accidental circumstances affecting the rate of mortality, and that I might rather overstate than understate the natural rate of mortality; as I hold that the excess over 17 is indisputably unnatural. It must not, however, be assumed that the rate of 17 implies absolute salubrity.

[The Witness withdrew.

The Committee deliberated upon the clauses of the Bill.

Veneris, 4° *die Maii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Irton.
Mr. Freshfield.	Mr. Adderley.
Mr. Edward Egerton.	Lord Robert Grosvenor.
Viscount Goderich.	Mr. Thomas Greene.
Mr. James MacGregor.	Mr. Knight.
Mr. Wilkinson.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

William Farr, Esq., M.D., called in; and further Examined.

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1567. *Chairman*.] YOU stated, when you were last before the Committee, that you might be able to give us some information about the rate of mortality in the towns of Cockermouth, Keswick, and Manchester; are you able to supply us with that information?—I will give the information as complete as I have been able to procure it in the interval. Keswick is a small town, of 2,618 inhabitants, in the district of Cockermouth. Cockermouth is in the same district, and the workhouse of the Union is in that town. The population of the Parliamentary borough of Cockermouth is 7,275. There is no municipal borough, but there is a chapelry, and the mortality is calculated on the population of the chapelry, which in 1851 was 5,775. The mortality of Keswick is 17 in 1,000; the mortality of Cockermouth is 29 in 1,000.

1568. Lord *R. Grosvenor*.] Are they both comprised within the limits of the same Union?—They are. I should state that as Keswick is in the same Union with Cockermouth, the paupers of Keswick are sent to the workhouse at Cockermouth; and that these calculations, as applied to small localities, often mislead us, unless we can make the correction required by returning the deaths of persons in the workhouse, belonging to the particular parishes, to those parishes. If we calculate the mortality in Cockermouth alone, exclusive of the workhouse, it is at the rate of 24 in 1,000. Of course, many of the deaths in the workhouse properly belong to the chapelry itself. It happens throughout the country that to the workhouse the aged and infirm paupers are sent; and the workhouse often becomes a sort of hospital. In calculating, therefore, the mortality of a parish or sub-district, you are liable to be misled into mixing up part of the mortality that belongs to the whole Union with that of the sub-district in which the workhouse happens to be situated. I was requested also to ascertain the rate of mortality in different parts of Manchester. That is a case open to some of the irregularities that I have mentioned, arising from the workhouse and infirmary being in particular sub-districts. Manchester consists of 10 sub-districts, some of which are dense, and belong properly to the city of Manchester; others are suburban and are comparatively healthy. The healthiest sub-district is Cheetham, the rate of mortality in which is only 17 in 1,000; in Failsworth the rate of mortality is 19 in 1,000; in Prestwich 19 in 1,000; in Newton 21 in 1,000; in Blackley 23 in 1,000; in St. George 30 in 1,000; in Ancoats, in which a workhouse is situated, 33 in 1,000; in Deansgate 33 in 1,000; in the London-road 36 in 1,000; and in Market-street, in which are a workhouse and the Royal

Royal Infirmary, the rate of mortality, without correction for deaths in the infirmary and workhouse, is 51 in 1,000. There are three sub-districts in Chorlton, which are also in the city of Manchester. In the sub-district of Ardwick the mortality is at the rate of 23 in 1,000; in Chorlton-upon-Medlock it is at the rate of 25 in 1,000; and in Hulme 29 in 1,000. To show the Committee that, in the same parish, there is almost every shade of mortality, I have selected Lambeth as another example. The rate of mortality in Norwood is 17 in 1,000; in Brixton it is 17 in 1,000; in the Waterloo-road sub-district, second part, it is 26 in 1,000; and for Lambeth Church, second part, it is 33 in 1,000. In looking through the census return and through the registration returns, I find that it would be almost impossible to prepare for the Committee, as I was requested to do, an exact statement of the rate of mortality in the towns of the kingdom possessing a population of 5,000 and upwards; as it very rarely happens that the boundaries of the municipal boroughs correspond with the boundaries of the registration districts. But I have prepared a table of 222 towns, which represent, I think, very fairly the general state of things all over the country. It may not be correct as to some of the particular towns; but on the whole, I think the Committee will be enabled to form a very good idea of the ordinary rate of mortality in all towns of the kingdom of various sizes.—(*The Witness handed in the Tables, and Returns No. 1 and No. 2.*) *Vide* Appendix.

1569. *Chairman.*] Have you any remarks to make upon the table just referred to?—There is one town, Holyhead, which takes in a considerable area of country district, in which the mortality is 16 in 1,000. There are two town districts, of which Keswick is one; and Lewisham the other, in which the mortality is at the rate of 17 in 1,000. There are seven in which the rate of mortality is 18 in 1,000; 14 in which the rate of mortality is 19 in 1,000; 12 in which it is at the rate of 20 in 1,000; 15 in which it is 21 in 1,000; 16 in which it is 22 in 1,000; 25 in which it is 23 in 1,000; 34 in which it is 24 in 1,000; 29 in which it is 25 in 1,000; 18 in which it is 26 in 1,000; 11 in which it is 27 in 1,000; 19 in which it is 28 in 1,000; 7 in which it is 29 in 1,000; 6 in which it is 30 in 1,000; 1 in which it is 31 in 1,000; 1 in which it is 32 in 1,000; and 4 in which it is at the rate of 33 in 1,000.

1570. Mr. *E. Egerton.*] Can you give us the names of the last four towns?—Liverpool, Manchester, Wigan, and St. Saviour, Southwark. I should state that the borough of Liverpool includes a part of the district of West Derby.

1571. Mr. *Irton.*] You informed us the other day, that the rate of mortality in Liverpool was 36 in 1,000?—I did. I may explain that in the year 1847, the year of the Irish famine, a great many of the Irish came over to Liverpool, where I believe they were treated with great humanity, and their deaths were registered in Liverpool. There is no doubt that a considerable amount of the mortality that occurred in Liverpool in that year is attributable to the Irish immigration. I have, therefore, in my calculation of the mortality there, omitted altogether the year 1847.

1572. Have you the means of ascertaining the number of the Irish who came over there in 1847?—No.

1573. Are you aware that it was stated to have been 100,000?—I am not; but I have now struck out that year altogether in estimating the mortality of Liverpool.

1574. Mr. *Adderley.*] What is the extreme rate of mortality in any country town in which the district is not specially affected by malaria, or any such cause?—Speaking generally, I should say that 22 in 1,000 is the highest rate in small towns.

1575. I wish to ascertain the highest rate of mortality found to exist in any town in which there are no special circumstances, such as those I have named?—It would vary according to the magnitude of the town, whether it contained 5,000, 10,000, 20,000, or 30,000 inhabitants.

1576. Except in the case of marsh land, or with any special cause of mortality, what is the extreme limit of mortality which any country town has reached?—If you take county towns, such as Winchester and Northampton, it is at the rate of 24 in 1,000.

1577. When I speak of country towns, I refer not to manufacturing towns or to commercial ports?—In Salisbury the rate of mortality is 28 in 1,000.

1578. Mr. *Knight.*] What is it in Worcester?—Twenty-four in 1,000. In smaller towns you will find that the rate of mortality is about 22 in 1,000.

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1579. Mr. *T. Greene.*] Give us the name of any town in which it is 22 in 1,000?—In Lewes, the rate of mortality is 21 in 1,000; in St. Albans, 21 in 1,000; in Lowestoft, 19 in 1,000; in Wells, 21 in 1,000; in Stamford, 21 in 1,000. In the list of districts I submitted to the Committee on Tuesday, I gave a table showing the density of population, which indicates generally the rate of mortality.

1580. Mr. *E. Egerton.*] What you mentioned with respect to Holyhead would apply also to other towns?—The returns are not based upon the principle of returning only a dense town, or only a country place. In some parishes the population has increased rapidly, and the building has extended into surrounding parishes; and it often happens also that the parish has only a small town in its centre.

1581. *Chairman.*] Having gone through the tables, have you formed any idea as to what should be the rate of mortality per thousand at which it would be proper to apply the Public Health Act for sanitary purposes?—I have examined the subject since the question was first asked, and I am now prepared to state my opinion. I hand in a diagram, with two tables, which present in a summary form the general results of the inquiry that has been instituted by the direction of the Registrar-general, as to the rate of mortality under the present sanitary condition of the English population. The Committee will observe, that in England and Wales, comprising 624 districts, in the 10 years, 1841-50, the mortality was at the rate of 15 per 1,000 of the population in 3 districts, 16 in 1,000 in 14 districts, 17 in 1,000 in 47 districts; so the mortality did not exceed 17 in 1,000 of the population in 64 districts, distributed in various proportions all over the country. It is evident from the limited duration of human life, which scarcely ever extends over 100 years, that a certain number of annual deaths are inevitable; but that as the English people are at present constituted in respect of age, the inevitable annual rate does not exceed 15, or at the utmost 17 in 1,000. If we assume that the natural rate is 17 in 1,000, then it is evident that in a district where the mortality is at the rate of 18 in 1,000, there is to every 1,000 of the population one death in excess of the natural rate. This death, whether it is the death of a child, or of the head of a family, may be designated an unnatural death, and such a district may be said to exhibit one degree of insalubrity; where the mortality is at the rate of 19 in 1,000, there are two unnatural deaths in the district yearly, and the district stands on the second degree of this scale of insalubrity; which ranges in England as high as 19 degrees, the mortality having been 36 in 1,000 annually in one district. The number of deaths in excess of those that would occur at the standard rate is shown in the second table. In 87 districts where the mortality is at the rate of 18 in 1,000, the deaths in excess were in the 10 years 14,868 unnatural deaths; in 96 districts where the mortality was 19 in 1,000, the unnatural deaths, at the rate of two in every 1,000 of the population, were 37,742; and pursuing the calculation to the end, it is found that in 486 districts where the mortality ranged from 18 to 24 in 1,000, the unnatural deaths were 413,693; while in 74 districts where the mortality ranged from 25 to 36 in 1,000, the unnatural deaths were 476,782. In the whole of the districts there were 890,475, or 89,048 yearly deaths, referable to causes which we may hope one day to see removed, as they are not inherent in our nature, and are actually not in operation among extensive classes of the people dwelling in the towns and villages of large tracts of the kingdom: 89,048 annual deaths, which imply the existence of much unnecessary sickness, and incalculable anguish. Such are the evils under which the country is now suffering; and which may be removed or mitigated by the combined action of the Legislature, the Board of Health, the local authorities, under proper organisation, and the heads of families. As I feel convinced that several of the sanitary measures, which the Public Health Act embraces, or should embrace, are required in every district of the kingdom, it should be, I conceive, universally applied, like other measures, for the protection of life, and the defence of property. And if there is any restriction in its action, which must be beneficial everywhere, if it is wisely administered, the restriction should, in my opinion, extend only to districts, which can show that their mortality does not exceed 17 in 1,000. If it should, however, be deemed better policy to tolerate for a season a certain amount of disease, suffering, and death in the country, and to fix on an arbitrary standard, 23 in 1,000 is the highest rate of mortality which, I think, should be named. That is the present average rate

Vide Diagram at the end.

of

of mortality in England, and where it is exceeded, many evident causes of insalubrity must exist, which as they certainly admit of removal, ought not to be allowed to exist; for they not only shorten life, but must ultimately diminish the strength, impair the character, and induce the degeneracy of large portions of the English race, to whose present superiority over the populations of other countries the greatness of England is chiefly due.—(*The Tables were delivered in.*) *Vide* Appendix.

1582. Your opinion is, that the rate of mortality, 23 in 1,000, which is put forward in the Public Health Act of 1848, ought not to be exceeded?—Certainly not.

1583. Have you any return setting forth the number of persons engaged in offensive trades, and other occupations of a deleterious character to health?—I have a return showing the number of persons employed in London and Great Britain, as returned by themselves in the Census of 1851. I will not say that they are all engaged in offensive trades. In London, the number of persons of all ages who returned themselves as engaged in the manufacture of chemicals, including dyers, was 3,850; the number engaged in the preparation of grease, bones, soap, tallow, and in making combs, was 4,017; there were 6,422 workers in leather, tanners, and persons of that description; in the gas-work service there were 1,702 persons engaged; and there were 1,200 sugar refiners. That gives a total in London of 17,191 persons engaged in these and similar branches of manufacture and trade. Out of these there were 14,227 males of the age of 20 and upwards. I could give more in detail the numbers employed in the different branches of the preparation of grease, bones, &c., if it were considered necessary. I have another statement, showing that the number of males of the age of 20 and upwards, so employed in Great Britain, was 59,764.

1584. Mr. *Wilkinson.*] Is it known whether, during the late visitation of the cholera, those persons were comparatively free from it?—That does not fall within my knowledge.

1585. *Chairman.*] Is there any other point to which you wish to call the attention of the Committee?—As I have mentioned the rate of mortality in English towns, the Committee may perhaps wish to be informed, by way of comparison, of the mortality existing in some of the continental cities, as gathered from the recently published reports. As I have already stated, the rate of mortality in London is between 24 and 25 in 1,000. In Berlin the mortality is at the rate of 25 in 1,000; in Turin it is 26 in 1,000; in Paris it is 28 in 1,000; in Genoa it is 31 in 1,000; in Lyons it is 33 in 1,000; in Hamburgh it is 36 in 1,000; in Moscow it is 38 in 1,000; in Stockholm it is 39 in 1,000; in St. Petersburg it is 41 in 1,000; and in Vienna the rate of mortality is 49 in 1,000. I should observe that, in Vienna, more than half the deaths take place in public institutions, such as hospitals and asylums, and that more than half the children are illegitimate. In the Foundling Hospital there, 3,525 children died in one year; whilst the number of deaths in the general hospitals was 2,678. I have a statement showing the mortality of the countries in which those cities are placed. In England, the rate of mortality is 23 in 1,000; in Denmark it is 23 in 1,000; in Holland it is 24 in 1,000; in France it is 23·5 in 1,000; in Sweden it is 24 in 1,000; in Prussia it is 28 in 1,000; in Sardinia it is 30 in 1,000; in Austria it is 31 in 1,000; and in Russia it is 36 in 1,000.

1586. Mr. *Wilkinson.*] You informed us, on the last occasion, that there were many disturbing causes which rendered it necessary to take these returns with some degree of caution. Does that remark apply also to your estimate of the number of persons congregating in particular places, and from particular causes?—Those disturbing causes operate in towns detached from the rest of the district or union; they do not operate, to any great extent, when you make your calculations upon the registration districts. It is for that reason that the Committee would do well to restrict its investigation almost entirely to registration districts. The general rate of mortality in different parts would be clearly shown, even if the Committee were to confine its attention to those districts which cover the whole of the kingdom, and include country parishes, villages, and small towns, as well as large cities. And I beg to submit the following reasons, which appear to me to be conclusive in favour of making the registration district (generally conterminous with the union of the same name where the Poor-law is in operation) the area for the operation of the Public Health Act, in the country as well as in London. (1.) The registration district is the basis of the census, and of the registration of births, deaths, causes of death, and marriages, which

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which supply ready means of determining the state of the public health. (2.) The 624 districts cover every part of the territory, and include every individual in the population, whereas the municipal organization extends only to about 200 out of all the towns that were enumerated at the census, and that are generally in the centre of the registration districts. Yet these towns without a municipal organization and the villages of the country districts would be as much benefited by some of the health measures as the municipal towns; and the parishes that derive no benefit from a particular measure, should pay no part of the rate by which it is realised. (3.) At the same expense more good can be accomplished in the small growing towns and villages than can be achieved in the old towns, whose structures have been raised on wrong principles: hence it is desirable that whole districts should be dealt with at the same time. (4.) The unnatural deaths are 8,377 a year in the numerous populous districts containing large proportions of country villages, where the mortality is at the rate of 21 in 1,000, whereas the unnatural deaths are 4,977 a year in districts where the mortality is at the rate of 28 in 1,000. You do more good, therefore, by withdrawing a large population from the effects of a slow poison, than by withdrawing a smaller force from the effects of a quick poison. (5.) Whether the Act is to be applied generally or partially—by law or on the voluntary principle—the district is as easily dealt with as the town; and there could be no objection to the union of two or more districts into one health district. (6.) The district—or the union—is the area under which the chief local rate is collected, and which is found to work conveniently for many administrative purposes. For all these reasons—and to avoid the great public inconvenience of creating new districts with new boundaries—I submit that the area of the Act's operation should in every case be the census or registration district.

Veneris, 18° *die Maii*, 1855.

MEMBERS PRESENT.

Sir Benjamin Hall.	Mr. Henry Gore Langton.
Mr. Freshfield.	Mr. James MacGregor.
Mr. Edward Egerton.	Viscount Goderich.
Mr. Knight.	Mr. Wilkinson.
Lord Robert Grosvenor.	

THE RIGHT HON. SIR BENJAMIN HALL, BART., IN THE CHAIR.

Toulmin Smith, Esq., called in; and further Examined.

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1587. *Chairman.*] YOU wish, we understand, to give some information upon that part of the Bill, as it appeared when first printed, which relates to the application of the Act in places where the mortality exceeds 23 in 1,000?—On the 41st clause, as it appears in the original Bill.

1588. What evidence do you wish to give upon that?—In the first place, perhaps the Committee will allow me to say, that it is not because this clause would render the application of the Act more easy, that I would make any observation upon it; but, speaking with certain modifications, the reverse. It is because it seems to me that, if the Act be sound in itself, it ought to be of general application; but that if it is to be applied partially, as this Act is, the terms of the test which this clause affords do not appear to me to be consistent with the facts, and with the conditions which the necessity of the case requires to be considered.

1589. The clause as proposed to be rendered would run thus: that where the mortality shall exceed a certain number per 1,000, the General Board of Health may send an inspector to make inquiries, that they shall publish and circulate the report of their inspector, and that they may, if they shall think fit, apply the Act wholly or in part to that place; but that where such provisional order of the General Board of Health is made for the application of the Act to the district, such provisional order shall be of no value until it has received the sanction of Parliament;

Parliament; that differs from the original draft of the Bill?—Only in one respect. I do not, however, intend to call the attention of the Committee to any but the first part of the clause as originally framed. There are, in this, two points to which I would call the attention of the Committee; first, the mode in which the rate of mortality is proposed to be ascertained, which is distinct from the latter part of the clause, namely, as to the number proposed to be fixed as a test rate. I think I shall be able to show that a modification will be required in both parts of the clause as it at present stands. The first part of the clause is, "where it appears or can be ascertained from the last return for the time being made up by the Registrar-general of Births, Marriages, and Deaths, from the deaths registered in a period of not less than seven years." That is the mode in which the rate is to be ascertained. It will be found, upon reference to facts, that that mode is not at all satisfactory, for several reasons. It is necessary that the mode of ascertaining it should give the real facts, whatever those facts may be. It will be found on reference to the different returns and the different facts, that this mode does not afford the means of ascertaining those facts. In the first place, I think it must be intended by this clause to refer to the seven years last immediately preceding the particular time; but it is not so clearly stated in this clause as to prevent a difficulty. I have known cases in which the return made up and published by the Registrar-general from 1838 to 1844 has been taken to be the return for the seven years, under the same clause in the Public Health Act, 1848, the fact being, that in a great many cases that return differs from what would be the fact, if you took the seven years actually last preceding the date of the application. In the instance of Worcester, that was precisely the fact. In that case the years were taken from 1838 to 1844. I think there was thus an apparent, not a real, excess beyond 23 in 1,000; but, had the last seven immediately preceding years been taken, viz. up to 1849, it would have been found that there was not that excess. The Committee, I apprehend, intend that the *bona fides* of this clause shall appear upon the face of it; that is, whether you shall take any seven years or the last seven years; and, as the Act is intended to apply to the actual state of the place, it is the intention, I presume, that it shall apply to the facts as they are at the given time, and not at some far antecedent time. There are, moreover, reasons why these returns are liable to error, and why it is therefore necessary to make some allowance in fixing the rate. That liability to error is admitted by the Registrar-general, and also in the evidence given before this Committee. It is stated in the report of the Registrar-general, that in certain places he names there have been frauds in the registration. At page 79, in the Appendix to his Ninth Report, the Registrar-general mentions South Shields, Marylebone, and other places as instances of that. In a report which I have in my hand, in the case of the town of Hertford, it is expressly stated, that whereas the return of the Registrar-general gave certain figures in certain years, the actual registrar of the district said there was a difference. In 1848 the number of deaths appearing in the Registrar-general's published report was 133; the number stated by Mr. Carter, the registrar of the district, was 122. In so small a number that is a large difference. In the year 1850 the Registrar-general, in his report, stated the number of deaths to be 120; Mr. Carter, the actual registrar in the district, said it was 114. It is apparent also that there is a liability to error, when, in one and the same day in this Committee-room, we find the mortality of Birmingham stated by the head of the statistical department of the Registrar-general himself, to be, first, 27 in 1,000, then 26 in 1,000, and lastly, 25 in 1,000.

1590. What means would you adopt if the published report of the Registrar-general is not to be taken?—I do not disapprove of taking that report. If you were to take an average, and to allow, say one or two per cent. additional, you would overcome the difficulty which otherwise exists through the liability to error.

1591. In cases where there were no errors, why should you give an additional one per cent?—If you could fix exactly what applies to each place it would be another thing; but when you attempt to make one section of an Act of Parliament apply to all places, the only thing to do is to approximate as near as possible to what will be fair as a general rule.

1592. Supposing the Committee to determine upon a certain number per thousand, what can you have better, on the whole, than the Registrar-general's return?—You cannot take his return alone. It is an absolute impossibility, and for this reason:

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reason: it is stated expressly by Dr. Farr, that there is hardly any case in which the area of their returns corresponds with the area of municipal boroughs. The Act is applied to municipal boroughs, as in the case of Worcester: so that you cannot take the Registrar-general's return in that sense.

1593. Mr. *Knight.*] Dr. Farr, I think, stated that some of the places have a large rural district attached?—He expressly states that that is the case; he says, "it very rarely happens that the boundaries of the municipal boroughs correspond with the boundaries of the registration districts."

1594. Mr. *H. G. Langton.*] Would not that diminish the rate of mortality?—It might or might not do so; in Worcester the effect was to increase the apparent rate of mortality.

1595. Would it not, in the majority of cases, diminish the rate of mortality?—If you take Birmingham as an instance, the parish of Birmingham is much more dense than the borough of Birmingham.

1596. *Chairman.*] Then I apprehend that the clause altered in this way would meet your view, "where it appears, or can be ascertained under the hand of the Registrar-general of Births, Marriages, and Deaths, from the deaths registered in a period of not less than seven years immediately preceding"?—I think that would meet the difficulty to a great extent. Perhaps you will allow me next, to call your attention to a fact of which the Registrar-general is aware. In many places the apparent high rate of mortality has been caused entirely by the existence of workhouses, or hospitals. That is the case with Worcester, in which town there are a county gaol, an infirmary, and a workhouse. At Great Yarmouth the rate of mortality is returned by the Registrar-general, for 1838 to 1844, at 20 in 1,000, but at the last moment, when it was sought to enforce the Act there, a paper was produced, showing that it was 23 in 1,000; but this could only have been made out from the same cause. All such deaths ought to be excluded in these test-rates. It might be provided that deaths in those institutions are not to be included in a test of the average rate of mortality. Another point ought to be remembered, namely, that when the union-house is in the centre of the town, the rate of mortality in the neighbouring parishes appears unduly small in comparison, while that of the towns appears unduly large.

1597. That might be met by making the number per 1,000 larger?—That is what I should have ventured to suggest at the end of my statement.

1598. That would cover it all?—There is another point which I submit ought to enter into your consideration. If you compare the returns of the Registrar-general from 1838 to 1844 with those from 1841 to 1851, you will find a considerable comparative difference. The rate of mortality in a place might have been 27 in 1,000 in the former period, but only 26 in 1,000 in the last 10 years. That would be proof of a sanitary improvement in the place, especially when you consider the increase in population. I think, therefore, that it should be always required to be ascertained whether, in comparison with a former period, any increase in the rate of mortality exists. As to the rate itself to be fixed on as the test, I think it will appear from the returns which have been published, and from all the evidence on the subject, that the taking of an average in anything of this sort gives no real index to the sanitary state of a place; but that this is only one of a number of conditions, the others of which are equally important, and many of them more important. In examining the returns themselves there are many facts which show this in a striking way. Those conditions have not been stated by Dr. Farr. Dr. Farr stated, indeed, that one of the circumstances affecting health is density of population. But I am prepared to prove, by the returns, that that is not a circumstance which affects the sanitary condition of a place in the manner stated; and that it is not the fact, but precisely the contrary, that when you come to those places where the population is the densest, you find them least salubrious. I have made memoranda of a few of these points, to which I will call the attention of the Committee. It will not be said that the female is less susceptible to influences caused by bad drainage than the male population. But, in a manufacturing town the deaths among the males are vastly in excess of those among the females; whilst in the country districts the proportion of deaths amongst males and females is about the same. This proves to demonstration that there is another cause, and a most important one, in operation, which creates an excess in the deaths of the male population. The deaths of females may be taken to represent the ordinary sanatory influences of the place. If you find that the deaths amongst the males are greatly in excess, it proves that there is some

some other disturbing cause. This altogether vitiates your test-rate. Again, the difference varies often, with the different branch of manufactures carried on in different towns.

1599. Mr. *Freshfield.*] When you say that it proves there is a disturbing cause, do you understand what is that disturbing cause?—I think I am able to do so. Take any county in England, and you will find the result the same. In Westminster I find that there are 26, almost 27, deaths in 1,000 of males, and only 24 in 1,000 of females. In Marylebone there are 24·93 in 1,000 of males, and only 20 in 1,000 of females. In the deaths of children, under one year of age, I find that, in Marylebone, the number is much greater than in Birmingham; it being, in the former case, 100 in 1,000, and in the latter, 96 in 1,000. In Norwich the number of deaths is 26·92 in 1,000 of males, and 23 in 1,000 of females. You find this fact, I may here remark, which might be contrary to one's expectation, considering the number of males continually emigrating into towns for work, that, whilst the proportionate number of deaths amongst the males is greatly in excess, the male population is greatly under the female population. Thus the male population of Norwich is 28,000, and the female population is 33,000. This will be found to be generally the case, proving that, however large the population of women, subject to all the same sanitary influences, other conditions, altogether beyond these, affect and entirely modify the death-rate among the men. In the county of Norfolk I have taken Norwich and Great Yarmouth, in both of which the rate of deaths of males greatly exceeds that of females. Compare these with two country districts in the same county; and in the latter the deaths are almost equal, 18 in each case of males and females. In every town you come to there is the same extraordinary variation. In Bristol the rate of mortality is 32 in 1,000 of males, and 26 in 1,000 of females; whilst in the neighbouring district of Chipping-Sudbury, Thornbury, and Dursley, it is 18 in 1,000 of males, and 19 in 1,000 of females; in Gloucester it is 26 in 1,000 of males, and 21 in 1,000 of females; in Northleach, Stow-on-the-Wold, and Winchcomb, it is 16 in 1,000 of males, and 18 in 1,000 of females. This proves clearly, that the influence which affects the male population is not the result of mere drainage. The illustrations might be carried to any extent, and it would be found that in all country districts the deaths among males and females are nearly equal; but that in the towns, and the more you get into manufacturing towns, there is an excess of males. It is clear that that excess is owing to other causes than those affected by what are called sanitary precautions, drainage and sewerage. If you take the case of Birmingham, it appears that from 1837 to 1844 the deaths of males were 27 in 1,000, whilst amongst females the deaths were only 24 in 1,000. If you compare that with Sheffield, which is considered a very similar manufacturing town, you find a remarkable difference; there the number of deaths amongst males was 29 in 1,000, and of females 25 in 1,000. The reason of this difference between Birmingham and Sheffield, is the prevalence in the latter place of the injurious dry grinding process. But the Sheffield Highway Board is most efficient as to drainage or such sanitary works. In Manchester, the excess is still more striking, because there you find that the deaths are 34 in 1,000 of males, and 31 in 1,000 of females. There is still an excess of males over females, but the females there greatly exceed the number of deaths amongst males in Birmingham, and for this reason, that in the manufactures of Manchester females are largely employed. You thus find that the return does not represent, as an actual fact, the sanitary condition of any place on matters that the Public Health Act touches. Take, again, South Shields, where the numbers are 32 in 1,000 of males, and 25 in 1,000 of females, while in the neighbouring districts these are 20 in 1,000 each.

1600. What is the difference in Newcastle?—28 in 1,000 of males, and 24 in 1,000 of females.

1601. To what do you attribute the excess in the mortality of males at Newcastle?—To what may be called the general condition of a manufacturing and trading town. It seems to be a sort of general average that in all trading populations, as distinguished from mere market and country towns, there is an excess of four, or between three and four, males above females.

1602. Supposing the Committee were to say that a certain number per thousand should regulate the application of the Act, and that then they allowed a margin beyond that, that would meet the case you refer to?—It would certainly

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tend to do so. But I am not aware of any figure upon which this Committee has decided, and therefore I can speak only with reference to the figure 23 that I see in the clause before me. I can illustrate the matter thus. In Marylebone the rate of mortality is said to be 24 in 1,000; but, according to the return before me, the deaths amongst females are only 20 in 1,000. It seems to me to be clear logic that, the females being exposed to all the ordinary influences, you will approach nearer to the truth by taking the female population alone as a test, than if you take the average of them and males. That is the point that I would particularly submit to the Committee. There is another point of very great importance, which is this: that in all large towns there are very many more children born than in small towns, whether country towns or small manufacturing towns; and therefore the apparent return upon the whole deaths in large towns does not give a fair criterion at all, as it is known that the proportion of deaths in the first year is far greater than in any other year. In Marylebone the deaths of males of that age are 100 in 1,000, and of females 80 in 1,000, while the deaths generally are only 24 in 1,000 of males, and 20 in 1,000 of females. Hence, in a population of 100,000, there will be such a vastly greater number of deaths at a high rate than in a population of 2,000, that it will entirely vitiate the test, as applied to an average of the whole deaths. It has been stated to the Committee that the density of population is always accompanied by an increased rate of mortality. But the facts appear to show quite the reverse, namely, that there has not been an increase in the ratio of deaths in the most dense places within the last few years, but instead of this, a decrease. I will take Birmingham, Nottingham, Manchester, Liverpool, Sheffield, Rochdale, and London City. Those seven towns I take simply as being the largest, most populous, and most trading towns in England. The facts are these: in Birmingham the rate of mortality for the seven years ending 1844 was 26 in 1,000; while in the 10 years ending 1851 the rate of mortality was reduced to 25 in 1,000. That is a clear proof that it is not density of population alone which increases the rate of mortality, there having been in that instance a decrease of mortality, with a great increase of population over 138,000, the population of Birmingham in 1841. In Nottingham, with 53,000 inhabitants, the rate of mortality in 1844 was 27 in 1,000; in 1851 it was 26 in 1,000. In Liverpool, with 223,000 inhabitants, the rate of mortality in 1844 was 33 in 1,000; in 1851, including the cholera year, it had not increased, but remained stationary; and that must be looked upon as, in fact, a decrease. In Manchester, with 192,000 inhabitants, it was in 1844, 33 in 1,000; in 1851 it was the same, notwithstanding the cholera. In Sheffield, with a population of 85,000, the rate of mortality was 27 in 1,000 in 1844; in 1851 it was 25 in 1,000. In Rochdale, with 60,000 inhabitants, the rate of mortality in 1844 was 25 in 1,000; in 1851 it was 24 in 1,000. In London city, with 57,000 inhabitants, it was 21 in 1,000 in 1844; in 1851 it was 20 in 1,000. The average rate of mortality of those seven towns was, in 1844, 27 in1,000; in 1851 it was 26 in 1,000; showing a decrease in the most populous towns of 1 per cent., the comparison being, moreover, instituted between an average period and a period which includes a year of cholera. The population in those places was, in 1841, 808,000. It had vastly increased before the close of the second period.

1603. Do you object to the whole system of the returns of the Registrar general?—Not at all; I am taking these facts from the returns of the Registrar-general. I simply want to show that, instead of the rate of mortality having increased, it is decreasing in the most densely populated parts of England.

1604. Then there would be less necessity for the application of the Act?—Just so; but it has been stated to this Committee that the death rates are increasing; and that alleged fact is given as a reason for setting up this test-rate. These facts show that, in the largest towns, the reverse of that alleged fact is the truth.

1605. Are there not other towns in which the rate of mortality has increased?—There are, and that makes it more remarkable. I have here a list of 23 towns in which the Public Health Act has been applied, and I find that there has, in these, been an increase, in the average rate of mortality, of three per cent. between the years I have already named, although the population of those towns is far less than that of those just named.

1606. Supposing the Committee to determine that, at a certain rate of mortality

mortality, the Act shall be applied by the General Board of Health, subject to the approval of Parliament; we wish to know if there is anything you desire to give evidence upon in relation to that point?—The two points are, the mode of ascertaining what the rate actually is, and the amount to be fixed on as a test rate.

1607. Upon that we have heard you already, and you have suggested that the rate of mortality should not be taken simply upon the return of the Registrar-general for the whole of the district; but that it should be a certificate under the hand of the Registrar-general for the seven years immediately preceding the time at which such certificate should be given. Is there any other suggestion that you have to make?—The value of any suggestion of mine can only be shown by the facts. In addition to the suggestions just named, I would suggest that the average rate should be taken upon the deaths of females. There are, however, also numerous other conditions that must be always taken into consideration, such as the geological formation, the class of manufactures, the elevation of the place, the nearness of a river, &c. Evidence has been given here about the degrees of insalubrity, and a so-called "natural rate" of mortality; but I state that there is no such thing in the world as a natural rate of mortality. In no one district comprised within the reports of the Registrar-general does the rate of mortality stated to be a natural rate, exist, nor is this to be found in any country in Europe.

1608. You suggest that the certificate should be given under the hand of the Registrar-general in the manner just now stated, and you now suggest that the rate of mortality should be taken upon the deaths of females only. Is there any other suggestion that you desire to make to the Committee?—I suggest that the conditions of the elevation, the geological formation, and the more or less proximity to a river or watercourse, are elements which should be taken into consideration.

1609. Should they all be set forth in this Bill?—No: I suggest that the rate should be taken at 27 in 1,000 instead of 23 in 1,000. I do so in order, if any specific term is to be fixed, that it should be so fixed as to make allowance for all these circumstances of variation.

1610. You think that if the rate be fixed at 27 in 1,000 that will meet every case?—I think that it will come the nearest to it.

1611. Mr. *Knight*.] Have you any other reason besides those you have stated for supposing that 27 in 1,000 is the proper rate?—Looking at the returns laid before this Committee, I find that 23 in 1,000 is stated to be the average rate throughout England; and that 15 in 1,000 is considered the lowest rate of mortality. I take the mean between 15 and 23, which is eight, and adding the half of that, viz., four, to 23, I think that is a fairer way of arriving at a test; for this reason, that it is only in a very few places, and those of very small population, that you find so low a number as 15, while the excess is found in the largest towns in England, subject to all the conditions to which I have alluded.

1612. *Chairman*.] Is there any other matter that you have to suggest?—The only other point is, whether or not such a clause as this should be retained at all, when the facts show that in those places where the Public Health Act has been introduced there has been an increase in the rate of mortality, while in the largest towns, where the Public Health Act has not been applied, there has been a decrease. I consider that the application of the Act is not a thing carrying such clear advantages that it ought, under any circumstances, to be enforced. I have proved to the Committee that the death-rate is affected by causes which the Public Health Act cannot touch.

1613. When you say that the rate of mortality has been increased in places to which the Public Health Act has been applied, can you state positively when the Public Health Act was applied to those places?—It would be exceedingly easy to do so, but I am not prepared with the dates at the present moment. The facts, however, remain the same; namely, that in the largest towns in England, with no Public Health Act, there has been a decrease of mortality, while in a large number of towns, where the Public Health Act has been applied, there has, although they are much less populous, been an increase of mortality.

A P P E N D I X.

Appendix.

PAPERS delivered in by *W. Farr*, Esq., M. D., and referred to in Question 1568.

222 Town Districts, arranged in the Order of their Insalubrity.

Number of Town Districts.	Deaths to every 1,000 of the Population.	Degrees of Insalubrity.	Number of Town Districts.	Deaths to every 1,000 of the Population.	Degrees of Insalubrity.
1	16	—	29	25	8
2	17	—	18	26	9
7	18	1	11	27	10
14	19	2	19	28	11
12	20	3	7	29	12
15	21	4	6	30	13
16	22	5	1	31	14
25	23	6	1	32	15
34	24	7	4	33	16

ENGLAND AND WALES.—Mortality in Registration Districts.

Number of Districts.	Rate of Mortality. Deaths Annually to every 1,000 Living.	Degrees of Insalubrity.	Number of Deaths in the 10 Years 1841–50, that would not have happened if the Mortality had not exceeded 17 in 1,000 Living.
624	23	6	890,475
3	15	—	—
14	16	—	—
47	17	—	—
87	18	1	14,868
96	19	2	37,742
110	20	3	69,545
90	21	4	83,770
48	22	5	64,673
27	23	6	57,260
28	24	7	85,835
25	25	8	124,320
17	26	9	92,167
13	27	10	76,927
9	28	11	49,767
4	29	12	23,538
2	30	13	18,755
1	31	14	6,427
2	33	16	39,163
1	36	19	45,718

No. 1.—The 624 (Registration) DISTRICTS of *England* and *Wales*, arranged in the ORDER of the ANNUAL MORTALITY which their Population experienced in the Ten Years 1841-50.

Three Registration Districts, in which the Mortality was at the Rate of 15 in 1,000:

Eastbourne.	Rothbury.	Glendale.

Fourteen Districts:—Annual Mortality, 16 in 1,000.

Battle.	Hambledon.	Gainsborough.
Reigate.	Steyning.	Haltwhistle.
Cuckfield.	Holsworthy.	Bootle.
Easthampstead.	Okehampton.	Builth.
Christchurch.	Garstang.	

Forty-seven Districts:—Annual Mortality, 17 in 1,000.

Lewisham (London).	Alresford.	St. Columb.
East Ashford.	Dorking.	Winchcomb.
Ringwood.	Uckfield.	Kings Norton.
Midhurst.	Hendon.	Southwell.
Hailsham.	Henstead.	Melton Mowbray.
Petworth.	Ongar.	Easingwold.
Worthing.	Mutford.	Belford.
Lymington.	Torrington.	Bellingham.
Isle of Wight.	Williton.	Bramton.
Godstone.	Kingsbridge.	Longtown.
Blean.	Barnstaple.	East Ward.
Wokingham.	Crediton.	Pwllheli.
East Grinstead.	Bideford.	Corwen.
Bromley.	Camelford.	Anglesey.
Catherington.	Stratton.	Haverfordwest.
New Forest.	Launceston.	

Eighty-seven Districts:—Annual Mortality, 18 in 1,000.

Hampstead (London).	Bosmere.	Ulverstone.
St. George, Hanover-square (London).	West Ham.	Fylde.
	Samford.	Bedale.
Droxford.	South Molton.	Leyburn.
Havant.	Langport.	Richmond.
Epsom.	Honiton.	Sedbergh.
Kingston (Surrey).	Bodmin.	Patrington.
Farnham.	Liskeard.	Ripon.
Farnborough.	St. Thomas.	Stokesley.
Thakeham.	Wareham.	Northallerton.
Horsham.	Axbridge.	West Ward (Westmorland).
Bridge.	Helston.	Castle Ward (Northumberland).
Rye.	Plympton St. Mary.	
Chertsey.	Amesbury.	Penrith.
Hastings.	Thornbury.	Morpeth.
Petersfield.	Upton-on-Severn.	Hexham.
South Stoneham.	Tetbury.	Newcastle-in-Emlyn.
Hartley Wintney.	Northleach.	Narberth.
West Ashford.	Uttoxeter.	Bala.
Westbourne.	Stow-on-the-Wold.	Knighton.
Sevenoaks.	Solihull.	Rhayader.
Eton.	Atcham.	Tregaron.
Barnet.	Billesdon.	Lampeter.
Hatfield.	Lutterworth.	Dolgelly.
Freebridge Lynn.	Spilsby.	Llanelly.
Loddon.	Bingham.	Aberayron.
Blything.	Caistor.	Festiniog.
Thingoe.	Worksop.	Aberystwith.
Epping.	Bourne.	Pembroke.
Stow.	Grantham.	

Appendix.

Ninety-six Districts:—Annual Mortality, 19 in 1,000.

Kensington (London).	Swaffham.	Horncastle.
Islington (London).	Wimborne.	Glanford Brigg.
Wandsworth (London).	Weymouth.	Sleaford.
Dartford.	Tavistock.	East Retford.
Westhampnett.	Blandford.	Market Bosworth.
Eastry.	Malmsbury.	Uppingham.
Andover.	St. Austell.	Stamford.
Alton (Hants).	Keynsham.	Clitheroe.
Fareham.	Mere.	Askrigg.
Romney Marsh.	Wellington (Somerset).	Helmsley. / Pickering.
Thanet.	Scilly Islands.	
Cookham.	Clutton.	Pocklington.
Lewes.	Axminster.	Tadcaster.
Bradfield.	Newton Abbot.	Pateley Bridge.
Elham.	Sturminster.	Driffield.
Ticehurst.	Totnes.	Thirsk.
Cranbrook.	Chippenham.	Howden.
Guildford.	Chard.	Wigton.
Whitchurch (Hants).	Pershore.	Alnwick.
Wantage.	Rugby.	Chepstow.
Kingsclere.	Martley.	Swansea.
Faversham.	Tamworth.	Conway.
Edmonton.	Church Stretton.	Monmouth.
Staines.	Penkridge.	Llandilofawr.
Chipping Norton.	Westbury-on-Severn.	Bridgend.
Ware.	Tenbury.	Machynlleth.
Caxton	Ledbury.	Cardigan.
Thrapston.	Cleobury Mortimer.	Presteigne.
Wangford.	Newent.	Ruthin.
Wayland.	Lichfield.	Llanfyllin.
Plomesgate.	Oswestry.	Llanrwst.
Lexden.	Droitwich.	St. Asaph.

One Hundred and Ten Districts:—Annual Mortality, 20 in 1,000.

City of London (London).	Romford.	Shipston-on-Stour.
Hackney (London).	Cricklade.	Wem.
Basingstoke.	Poole.	Shardlow.
Windsor.	Bridgwater.	Oakham.
Faringdon.	Penzance.	Market Harborough.
Richmond (Surrey).	Redruth.	Newark.
Wallingford.	Tiverton.	Ashby-de-la-Zouch.
Hollingbourn.	Bradford.	Ashbourne. / Bakewell. / Chapel-en-le-Frith.
Stockbridge.	Calne.	
Hungerford.	Taunton.	
Tenterden.	Truro.	Blaby.
Fordingbridge.	Dorchester.	Mansfield.
Croydon.	Wells.	Wirral.
Tunbridge.	Sherborne.	Ormskirk.
Kettering.	Tisbury.	Settle.
St. Albans.	Shaftesbury.	Malton.
Watford.	Wincanton.	Skipton.
Daventry.	Pewsey.	Reeth.
Newmarket.	Bedminster.	Skirlaugh.
Linton.	Marlborough.	Beverley.
Hertford.	Stratford-on-Avon.	Otley.
Hemel Hempstead.	Chipping-Sodbury.	Rotherham.
Woburn.	Evesham.	Knaresborough.
Erpingham.	Ludlow.	Weardale.
Chelmsford.	Burton-upon-Trent.	Teesdale.
Docking.	Market Drayton.	Alston.
St. Faith's.	Meriden.	Darlington.
Sudbury.	Newport.	Houghton-le-Spring.
Flegg.	Bromyard.	Chester-le-Street.
Tunstead.	Cirencester.	Kendal.
Tendring.	Cheltenham.	Easington.
Mildenhall.	Ross.	Carnarvon.
Halstead.	Clun.	Llandovery.
Depwade.	Warwick.	Montgomery.
Mitford.	Wheatenhurst.	Carmarthen.
Blofield.	Ellesmere.	Hay.
Witham.	Weobly.	

Ninety

Ninety Districts:—Annual Mortality, 21 in 1,000.

Winchester.	Thetford.	Wellington (Salop).
Newbury.	Saffron Walden.	Lincoln.
Romsey.	Hartismere.	Louth.
Malling.	Dunmow.	Boston.
Dover.	Guiltcross.	Basford.
Chichester.	Forehoe.	Holbeach.
Brighton.	Walsingham.	Chesterfield.
Milton.	Cosford.	Belper.
Bishop Stortford.	Aylsham.	Barrow-on-Soar.
Woodstock.	Woodbridge.	Altrincham.
Hitchin.	Braintree.	Northwich.
Royston.	Wilton.	Nantwich.
Brentford.	Falmouth.	{Pontefract. Hemsworth.}
{Leighton Buzzard. Luton.}	Beaminster.	
	Highworth.	Keighley.
Chesterton.	St. Germans.	Todmorden.
Biggleswade.	Warminster.	Thorne.
Oundle.	Yeovil.	Bridlington.
Wycombe.	Stone.	Selby.
Henley.	Shiffnal.	Scarborough.
Aylesbury.	Bridgnorth.	Whitby.
Bicester.	Stroud.	Doncaster.
St. Neots.	Aston.	Auckland.
Hardingstone.	Tewkesbury.	Berwick.
Winslow.	Cheadle.	Cockermouth.
Peterborough.	Alcester.	Stockton.
Maldon.	Dursley.	Bangor.
Foxne.	Leek.	Brecknock.
{Billericay. Rochford.}	Southam.	Holywell.
	Atherstone.	Newtown.

Forty-eight Districts:—Annual Mortality, 22 in 1,000.

St. James, Westminster (London).	Potterspury.	Radford.
	Risbridge.	Hayfield.
Strand (London).	Downham.	Gainsborough.
North Aylsford.	{Frome. Shepton Mallet.}	Hinckley.
Whitney.		Loughborough.
Brixworth.	Melksham.	Chorley.
Wellingborough.	Bridport.	Congleton.
Huntingdon.	Alderbury.	Runcorn.
Berkhampstead.	Westbury.	Haslingden.
Towcester.	Devizes.	Ecclesall Bierlow.
Ampthill.	Kidderminster.	Huddersfield.
Thame.	Leominster.	Goole.
Newport Pagnel.	Hereford.	Saddleworth.
Brackley.	Stafford.	Halifax.
Banbury.	Bromsgrove.	Neath.
Amersham.	Spalding.	Cardiff.
St. Ives.		

Twenty-seven Districts:—Annual Mortality, 23 in 1,000.

Abingdon.	Bedford.	Prescot.
Southampton.	Ipswich.	Great Boughton (Chester).
Maidstone.	Yarmouth.	{Barnsley. Wortley.}
Uxbridge.	Kings Lynn.	
Cambridge.	Madeley.	Wakefield.
{Headington. Oxford.}	Clifton.	Dewsbury.
	West Bromwich.	Durham.
Buckingham.	Lancaster.	Wrexham.
Ely.	Burnley.	Pontypool.

Twenty-eight Districts:—Annual Mortality, 24 in 1,000.

St. Martin-in-the-Fields (London).	Hoo.	Stourbridge.
	Alverstoke.	Walsall.
Marylebone (London).	Northampton.	Derby.
Pancras (London).	Colchester.	Rochdale.
Clerkenwell (London).	Norwich.	York.
St. Olave (London).	Orsett.	Tynemouth.
Camberwell (London).	Bury St. Edmunds.	Carlisle.
Reading.	Bath.	Sunderland.
Sheppey.	Worcester.	Newport (Monmouth).
Canterbury.	Gloucester.	

Appendix.

Twenty-five Districts:—Annual Mortality 25 in 1,000.

Lambeth (London).	Exeter.	Blackburn.
St. Luke (London).	Plymouth.	Stockport.
Stepney (London).	Foleshill.	Hunslet.
Poplar (London).	Dudley.	Bradford (York).
Gravesend.	Bury.	Sculcoates.
Portsea Island.	Barton-upon-Irwell. Chorlton.	Gateshead.
Medway.		Whitehaven.
Wisbeach.	Preston.	Abergavenny.
Whittlesey.		

Seventeen Districts:—Annual Mortality, 26 in 1,000.

Bethnal Green (London).	Newcastle under-Lyme.	Oldham.
Chelsea (London).	Birmingham.	Macclesfield.
East London (London City).	Shrewsbury.	Ashton.
Newington (London).	Nottingham.	West Derby.
Stoke Damerel.	Warrington. Leigh.	South Shields.
Wolstanton.		

Thirteen Districts:—Annual Mortality, 27 in 1,000.

St. Giles (London).	Stoke-upon-Trent.	Bolton.
Westminster, St. Margaret and St. John (London).	Coventry.	Sheffield.
	Nuneaton.	Newcastle-upon-Tyne.
Greenwich (London).	Wolverhampton.	Crickhowell.
North Witchford.	Leicester.	

Nine Districts:—Annual Mortality, 28 in 1,000.

Holborn, West London (City), Shoreditch (London). } London.	Bermondsey (London).	Salford.
	Rotherhithe (London).	Wigan.
	Salisbury.	Merthyr Tydfil.

Four Districts:—Annual Mortality, 29 in 1,000.

St. George-in-the-East (London).	Whitechapel (London).	Bristol.
	East Stonehouse.	

Two Districts:—Annual Mortality, 30 in 1,000.

St. George, Southwark (London). Leeds.

One District:—Annual Mortality, 31 in 1,000.

Hull.

Two Districts:—Annual Mortality, 33 in 1,000.

St. Saviour, Southwark (London). Manchester (District).

One District: Annual Mortality, 36 in 1,000.

Liverpool (District.)

No. 2.—LIST of Town Districts or Sub-districts which represent the Mortality of the Towns of the same Names, as nearly as that Mortality can be determined from the Facts in the Registrar-General's Thirteenth Annual Report.

One Town District, in which the Rate of Mortality was 16 in 1,000.

Holyhead.

Two Town Districts, in which the Rate of Mortality was 17 in 1,000.

Lewisham (London). Keswick.

Seven Town Districts, in which the Rate of Mortality was 18 in 1,000.

Hampstead (London).	Ramsgate.	Exmouth.
St. George, Hanover-square (London).	Tunbridge Wells.	Rugby.
	Hastings.	

Fourteen Town Districts, in which the Rate of Mortality was 19 in 1,000.

Kensington (London).	Stratford.	Great Grimsby.
Islington (London).	Lowestoft.	Ripon.
Wandsworth (London).	St. Ives.	Haverfordwest.
Margate.	Cambourne.	Pembroke.
Barking.	Leamington.	

Twelve Town Districts, in which the Rate of Mortality was 20 in 1,000.

City of London (within the Walls.)	Brentford.	Worksop.
Hackney (London).	Barnstaple.	Mansfield.
Kingston.	Redruth.	Clitheroe.
Dover.	Grantham.	Swansea.

Fifteen Town Districts, in which the Rate of Mortality was 21 in 1,000.

Lewes.	Weymouth and Melcombe Regis.	Truro.
Windsor.	Poole.	Lichfield.
Brighton.	Wells.	Cheltenham.
St. Albans.	Sherborne.	Stamford.
Aylesbury.	Bideford.	Aberystwith.

Sixteen Town Districts, in which the Rate of Mortality was 22 in 1,000.

St. James, Westminster (London).	Chippenham.	Burton-on-Trent.
Strand (London).	Penzance.	Chesterfield.
Croydon.	Falmouth.	Keighley.
Guildford.	Dorchester.	Holywell.
Peterborough.	Taunton.	Welchpool.
	Wenlock.	

Twenty-five Town Districts, in which the Rate of Mortality was 23 in 1,000.

Southampton.	Oswestry.	Birkenhead and Tranmere.
Cambridge.	Warwick.	Ulverstone.
Harwich.	West Bromwich.	Burnley,
Ipswich.	Ludlow.	Beverley.
Yarmouth.	Bromsgrove.	Whitby.
Kings Lynn.	Newark.	Wakefield.
Penryn.	Belper.	Scarborough.
Tiverton.	Lincoln.	Carnarvon.
Kidderminster.		

Thirty-four Town Districts, in which the Rate of Mortality was 24 in 1,000.

St. Martin-in-the-Fields (London).	Reading.	Boston.
Marylebone (London)).	Canterbury.	Louth.
Pancras (London).	Ware.	Derby.
Clerkenwell (London).	Northampton.	Congleton.
St. Olave, Southwark (London).	Chelmsford.	Runcorn.
Camberwell (London).	Colchester.	Rochdale.
Alverstoke.	Norwich.	Barnsley.
Winchester.	Bury St. Edmunds.	Durham.
Maidstone.	Frome.	Berwick-on-Tweed.
Chichester.	Bridgwater.	Bangor.
	Worcester.	Carmarthen.
	Walsall.	Wrexham.

Twenty-nine Town Districts, in which the Rate of Mortality was 25 in 1,000.

Lambeth (London).	Bath.	York City.
St. Luke (London).	Exeter.	Huddersfield.
Stepney (London).	Yeovil.	Knaresborough.
Poplar (London).	Burslem.	Bradford.
Gravesend.	Stroud.	Halifax.
Portsea Island.	Leek.	Sheffield.
Medway (Rochester, Chatham).	Birmingham.	Tynemouth.
Bedford.	Stafford.	Pontypool.
Devizes.	Tewkesbury.	Monmouth.
	Chorley.	Brecknock.

Appendix.

Eighteen Town Districts, in which the Rate of Mortality was 26 in 1,000.

Bethnal Green (London).	Bridport.	Shrewsbury.
Chelsea (London).	Bristol.	Nottingham.
East London (London City, without the Walls).	Gloucester.	Chester.
	Hanley.	Kendal.
Newington (London).	Wednesbury.	Neath.
Ely.	Dudley.	Tredegar.
Buckingham.		

Eleven Town Districts, in which the Rate of Mortality was 27 in 1,000.

St. Giles (London).	Newport Pagnell.	Bury.
Westminster (District of London).	Devonport.	Carlisle.
	Coventry.	Newcastle-upon-Tyne.
Greenwich (London).	Leicester.	Cardiff.

Nineteen Town Districts, in which the Rate of Mortality was 28 in 1,000.

Holborn, West London (City), Districts.		Wolverhampton.	Leeds.
		Oldham.	Doncaster.
Shoreditch (London).		Preston.	Sunderland.
Bermondsey (London).		Stockport.	Gateshead.
Rotherhithe (London).		Lancaster.	Newport.
Salisbury.		Salford.	Merthyr Tydfil.
Bridgnorth.			

Seven Town Districts, in which the Rate of Mortality was 29 in 1,000.

St. George-in-the-East (London).	Wisbeach.	Hull.
	Hereford.	Cockermouth.
Whitechapel (London).	Blackburn.	

Six Town Districts, in which the Rate of Mortality was 30 in 1,000.

St. George, Southwark (London).	Gainsborough.	Macclesfield.
	Warrington.	Whitehaven.
Newcastle-under-Lyme.		

One Town District, in which the Rate of Mortality was 31 in 1,000.

Ashton.

One Town District, in which the Rate of Mortality was 32 in 1,000.

Bolton.

Four Town Districts, in which the Rate of Mortality was 33 in 1,000.

St. Saviour, Southwark (London).	Liverpool.	Manchester.
	Wigan.	

Note.—The mortality of several of the towns in the list is disturbed by the deaths in the Union Workhouse; which does not occur where the mortality is deduced from the deaths and the population of the whole district or union, as in the list No. 1.

ANALYSIS OF INDEX.

ALPHABETICAL and CLASSIFIED LIST of the PRINCIPAL HEADINGS in the following INDEX, with the Paging at which the same may be found.

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Francillon, Francis. (Analysis of his Evidence.)—On behalf of part of the district of Banbury, suggests the insertion of a clause in the Public Health Bill, limiting the amount of rating on houses and land; similar clause existing in the local Act, 1032–1040——Suggestion that the town council should not select the members of the Board of Health where there is a rural district as well as a town district, 1041.

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1. *Nuisances Removal Bill:*

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1. *Number, Mode of Election, &c.:*

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3. *Definite Rate of Mortality at which the Act should be applied.*

1. *Statistics from the Returns of the Registrar-general:*

Reference to a series of tables based upon the census returns of 1841 to 1850, showing the rate of mortality in each of the 624 districts into which the country is divided, *Farr* 1528 *et seq.*——Enumeration of several districts in which the mortality is less than 23 in 1,000, as well as of districts in which the mortality is 23 in 1,000 or upwards, *ib.* 1530–1532. 1536–1538. 1560. 1563–1565——Heavier mortality in the towns and where the population is dense, than in the rural districts throughout the several county divisions into which the country is divided, *ib.* 1530–1532. 1536–1538. 1560. 1563–1565——Increase of mortality especially in large towns, within the last ten years, *ib.* 1535. 1545–1547——The average mortality of England is 23 in 1,000, *ib.* 1539. 1543——The least healthy division in England is Lancashire and Cheshire; rate of mortality in the several districts therein, *ib.* 1564, 1565.

Tabular return (prepared by witness) showing the number of deaths to each 1,000 for the ten years 1841–50, in 222 towns, &c. in England and Wales, *Farr* 1568 and *App.*——Summary of the number of towns &c., in which the rate of mortality varies from 17 in 1,000, to 33 in 1,000, *ib.* 1569, 1570——Number of deaths to each 1,000 in each of the several districts in London for the years 1841–50, *Farr* 1569——Varying rates of mortality in country towns; where the population is not dense, and the locality not specially unhealthy, the mortality is about 22 in 1,000, *ib.* 1574–1580——Tables delivered in, and explanation thereon with reference to the sanitary condition of the population in each of the 624 districts into which England and Wales is divided, under the Registrar-general, *ib.* 1581 and *App.*——Rates of mortality in several of the continental cities and countries, *ib.* 1585.

2. *How far such Statistics are reliable in regard to the Application of the Public Health Act:*

Special circumstances to be taken into calculation in considering the amount of mortality in towns, *Farr* 1533, 1534. 1537–1540. 1555–1558——Error in calculating the mortality of a whole union from that of any sub-district in which the workhouse may be situate, *ib.* 1568, *Smith* 1596——Calculations as to the rate of mortality may safely be based on the official returns relative to the registration districts, *Farr* 1586.

Objection to clause 41 of the Bill as originally framed, inasmuch as the mode proposed for ascertaining the rate of mortality through the returns of the Registrar-general is for several reasons not satisfactory, *Smith* 1587–1607——Suggestion that if an average rate of mortality be taken, an addition of one per cent. should be allowed, in order to meet the liability to error arising from the Registrar-general's returns, *ib.* 1590, 1591——The average rate of mortality is no real index of the sanitary condition of any place, *ib.* 1598.

Grounds for the conclusion that there is a disturbing cause in operation other than that of defective sanitary arrangements, which creates an excess in the deaths of the male population, and that the average rate of mortality at which the Bill should be applicable should be taken upon the deaths of the females, *Smith* 1598–1602. 1607——It seems to be a sort of general average that in all trading populations, as distinguished from country and market towns, there is an excess in the number of deaths per 1,000 of four males above females, *ib.* 1599–1602——Denial that density of population is accompanied by an increased rate of mortality; data showing that the reverse is the case, *ib.* 1602–1605——Necessity of considering the geological formation of any place in calculating the rate of mortality at which the Act should be applied, *ib.* 1607, 1608.

3. *Definite Rate of Mortality at which the Act should be applied:*

The application of the Public Health Act (by clause 41) to places where the mortality amounts to 23 in 1,000, may bring every place under its operation, *Scoles* 587–591——With respect to the compulsory adoption of the Act in places where the scale of mortality is 23 in 1,000, such scale should be raised, else all populous towns will be affected, *Baxter* 970–972——The rule of 23 deaths in 1,000 would unnecessarily cause the adoption of the proposed Act in almost every town, *Heron* 1049. 1060.

Grounds for concluding that 17 in 1,000 should be the average mortality of the population, and that any excess thereof, as in the manufacturing towns, &c., is unnatural, *Farr* 1537–1542. 1547–1554. 1566——Great importance of measures being taken to improve the sanitary condition of large towns, *ib.* 1547——Opinion that in large towns the

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3. *Definite Rate of Mortality at which the Act should be applied*—continued.

the mortality should be reduced to 20 in 1,000, which is quite practicable, *Farr* 1554——How far the tables referred to show whether small towns would be affected by the Public Health Act if applied to places where the mortality is 23 in 1,000; the number of large towns that would be affected is easily ascertained, *ib.* 1558, 1559——Grounds for the calculation that a rate of mortality of 23 in 1,000 is the highest arbitrary standard which should be fixed for the application of the Act for sanitary purposes, *ib.* 1581, 1582——Opinion in favour of the universal application of the Act, or of restricting its action only where it can be shown that the mortality does not exceed 17 in 1,000, *ib.* 1581.

Conclusion, for which sundry reasons are assigned, that the rate of mortality should be fixed at 27 in 1,000 instead of at 23 in 1,000, *Smith* 1602–1613——Circumstance of the rate of mortality having increased in twenty-three towns in which the present Public Health Act has been applied, *ib.* 1605. 1612, 1613.

See also *Hertford. Liverpool. Newcastle-upon-Tyne.*

Mortgages of Rates. Objection to the increased power of mortgaging given under the 121st section of the Board of Health Bill, *Smith* 746, 747——Opinion adverse to the mortgaging of rates to the extent of two years, *Everest* 811. 817–820; *Burnell* 1171–1174.

N.

Navigations. See *Canals*, &c.

Newcastle-upon-Tyne. Mortality of 27 in 1,000, including the period when epidemic diseases have prevailed, *Farr* 1532–1534——Mortality of 28 in 1,000 of males, and of only 24 in 1,000 of females, *Smith* 1600, 1601.

New Schemes. See *Purchase or Construction of Works.*

Northern Counties. Rates of mortality in districts in the northern division of the country, *Farr* 1531, 1532.

Notices. The notices of the local Board should in every case be publicly affixed within the parish, *Everest* 781–783. 812.

Nuisances. Approval of the words "a nuisance and injurious, &c.," as in clause 31 of the printed Nuisances Removal Bill, instead of the words "a nuisance or injurious, &c.," as in the amended clause, *Maynard* 363. 365. 367–370——Vague and unsatisfactory definition of a nuisance in clause 12; alteration proposed, *Smith* 453——The word "nuisance," as used in the 31st clause of the Bill, is very objectionable, and requires definition, *Hawksley* 528–533——Objection to the definition of nuisances, inasmuch as thereby almost everything can be declared a nuisance (alteration on this point intimated), *Heron* 1503. 1511, 1512. 1519–1521.

See also *Accumulations on Premises. Application or Adoption of Acts. Arbitration. Bone-boiling. Common Law. Compensation. Decomposition. Gas Water. Inspectors*, 1. *Knackers' Yards. Offensive Trades. Penalties. Remedy of Nuisances. Renewal of Nuisances. Sewage and Sewerage. Tanyards, &c. Watercourses.*

Nuisances Removal Bill. Witness delivers in a copy of the Nuisances Removal Bill, with the amendments proposed by him thereto, *Smith* 478, 479. 507.

See also *Accounts. Accumulations on Premises. Application or Adoption of Acts*, 1. *Arbitration. Boards of Guardians. Common Law. Compensation. Entry to Premises. Extra-parochial Places. Lighting and Watching. Local Boards. Metropolis. Metropolitan Buildings Act. Nuisances. Offensive Trades. Palmerston, Viscount. Penalties. Remedy of Nuisances. Responsibility. Smoke. Title of Bill.*

O.

Offensive Trades. Witness is secretary to the persons engaged in what are termed the "offensive" trades, *Knight* 1——Grounds upon which these trades would be injuriously affected by the Nuisances Removal Bill, *ib.* 2–4——Recent formation of the association represented by witness as secretary; its objects, *ib.* 32, 33. 94–98——Sundry trades affected by the Bill, *ib.* 109, 110——The offensiveness of many of the trades is admitted, but it is deemed that their effect is injurious to health, *ib.* 116.

Evidence in support of the conclusion that "offensive" trades are not productive of epidemics, and are not in fact injurious to health, *Snow* 120 *et seq.*——The Nuisances Removal Bill contains provisions which will cause the annihilation of the trades termed

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"offensive," *Lewis* 184, 185——Statement to the effect that the Smoke Prevention Act of 1853 having taken the trades entirely by surprise, and the present Bill being similar in its requirements to that of 1853, the persons represented by witness are now desirous to recal their objections to one and the other measure, and to have the offensive trades put upon a proper footing, *ib.* 191–207. 215. 219–221. 230–237——Suggested repeal of that portion of the Act of 1853 which relates to the offensive trades, without any alteration in regard to smoke prevention, *Lewis* 219–221. 230–236. 407; *Maynard* 387–390. 393, 394——The trades were taken completely by surprise by the Smoke Prevention Act of 1853, *Kintrea* 293; *Maynard* 387.

Decided objection to any greater facilities being given for the destruction or removal of businesses so large and so important as those represented by witness, *Kintrea* 287. 291–294. 305–307. 317. 334–337. 347——Witness gives evidence on behalf of what are termed noxious or "offensive" trades, and not of common nuisances, *ib.* 323——Extent and importance of the offensive trades of London, *ib.* 329–333——There are probably 50,000 persons employed in those trades in and around London, *ib.* 332——Statements of the number of persons in London and in Great Britain who are employed in what are termed offensive trades, or in occupations which are considered injurious to health, *Farr* 1583, 1584.

Proposed amendment of the clauses with reference to the remedies to be taken for the removal of nuisances, *Maynard* 364, 365. 378——Evidence in favour of not punishing or interfering with any trades which, though offensive to the smell, are not injurious to health, *ib.* 367–377——With respect to the clause, suggested in a great measure by Mr. Maynard, in lieu of the thirty-first and thirty-second clauses of the Nuisances Removal Bill; extraordinary powers are thereby very improperly sought to be given for the removal of nuisances not injurious to health, *Hawksley* 523–545.

See also *Accumulations on Premises. Appeal. Arbitration. Bone-boiling. Compensation. Confiscation. Decomposition. Deodorization. Established Trades. Hunt, Messrs. Knackers. Metropolitan Buildings Act. Nuisances. Remedy of Nuisances. Smoke Prevention Act. Tanyards, &c.*

Orders in Council. Suggestion that the reference in clause 1 of the Nuisances Removal Bill to Orders in Council be struck out, *Smith* 443.

Owners. Objection to the word "owner" in clause 2 of the Nuisances Removal Bill, as being too extensive in its meaning, *Lewis* 408, 409——In some districts owners instead of occupiers are chargeable with certain rates; suggestions thereon in regard to the Public Health Bill, *Everest* 822——Certain circumstances under which the rating for local measures should be placed upon the owner, *Baxter* 984, 985——Importance of owners being represented on the local Board, *Baxter* 986; *White* 1322, 1323——Objection to the clause, as first proposed, with respect to the payment of costs by the "owner or occupier"; amendment suggested, *Heron* 1505–1507.

P.

Palmerston, Viscount. Consent of Lord Palmerston in 1854 to the introduction of certain words with respect to offensive accumulations, &c., which were quite satisfactory as regards the former Nuisances Removal Bill, *Knight* 15–23. 26–29; *Macdougall* 243. 247–249——Reference to some suggestions and clauses submitted by witness in 1854, and adopted by Lord Palmerston in the Nuisances Removal Bill of that year, *Smith* 470. 472–476.

Parishes. Suggestion as to the definition of parishes, *Smith* 447.

Penalties. Approval of the penalties enforced by clause 56 of the Metropolitan Buildings Act, relative to nuisance trades, *Lewis* 212——Suggested clause and proviso in lieu of clauses 31 and 32 of the Nuisances Removal Bill for the adoption of penalties in case the best practical means are not taken to remedy any noxious or offensive effluvia, *Macdougall* 254–260——Doubts whether the persons represented by witness would be satisfied with the clause and proviso proposed by Mr. Macdougall in lieu of clauses 31 and 32, inasmuch as by such proposition the provinces would be better off than London, *Lewis* 272–274. 277–280.

Objection to the proposal for doubting the penalty on each succeeding conviction, *Maynard* 365. 374——Satisfaction if the penalty, though cumulative, were restricted to a certain sum, *ib.* 366——The recovering penalty should not exceed 50 *l.*, *Lewis* 395. Objection to the clause with respect to the penalty for not obeying an order of abatement, *ib.* 419——Proposed extension of the time provided for the payment of orders or instalments, *ib.* 419.

Suggestion for the imposition of penalties of a personal character, *Everest* 773, 774——The application of fines and penalties should be made clearer, *Jones* 1027——Suggested

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Suggested amendment of the provisions for imposing oppressive penalties in the case of certain offences previous to and during the laying out of new streets, *Burnell* 1153–1156 ——Suggestion for the exemption of gas and water companies from the penalties proposed with respect to the breaking up of any street, *Baxter* 1407.

See also *Fines.* *Local Board*, 2. *Premises.*

Petition for Application. See *Application or Adoption of Acts*, 2.

Place. Difficulty in regard to the definition of the word "place," as it appears in the second clause of the Nuisances Removal Bill, *Hawksley* 510, 511. 521——Difficulty anticipated from the definition of place in the 13th section of the Public Health Bill, *Smith* 646.

Plans. Suggested penalty in case maps or plans are not deposited by the local authorities, *Everest* 773——Importance of the local plans being properly deposited, *ib.* 777. 781 ——Importance of control by the General Board over the plans of the local Boards, *Baxter* 986, 987——Suggested amendment of the provisions for plans of the sewers of any street about to be laid out, *Burnell* 1152, 1153.

Pleasure Grounds. Impropriety of the proposed powers in the local Boards for laying down pleasure grounds, *Everest* 812.

Penal Voting. See *Local Boards*, 1.

Police Magistrates. Suggested definition in the Bill of the words "justices" and "justice," *Smith* 443, 444.

Police, The. Objection to the provision, in clause 15, of the Nuisances Removal Bill, that the police should be used as parties to an information, *Lewis* 417——The assistance of the police in carrying out the Act, as provided in clause 45, is not desirable, *Smith* 476.

Premises. Proposed amendment of clause 23 of the Nuisances Removal Bill, which makes the premises chargeable with all the law expenses and penalties, *Lewis* 419; *Smith* 468 ——Suggestion as to the definition of the word "premises," *Smith* 446, 447.

Preventive Power. Importance of a power of preventing the establishment of nuisance businesses, *Jones* 1026.

Private Companies. Evidence in opposition to the proposed interference with the rights and powers of private companies, *Smith* 724 *et seq.*; *Baxter* 889 *et seq.*; *Heron* 1064, 1065. 1073——Impropriety of the powers proposed to be conferred on private companies, *Wavell* 1412. 1425. 1437.

See also *Arbitration.* *Compensation.* *Competition.* *Confiscation.* *Gas.* *Offensive Trades.* *Private Enterprise Society.* *Purchase or Construction of Works.* *Water.*

Private Enterprise Society. Witness appears before the Committee in his professional capacity, as civil engineer and architect, and not as the representative of the Private Enterprise Society, to which he is secretary, *Burnell* 1076. 1078, 1084. 1114, 1115. 1137 ——Explanation relative to some circulars distributed by witness on behalf of the society, strongly condemnatory of the Public Health Bill; meetings at which these circulars were adopted; object and constitution of the society, *ib.* 1079–1136——The society which was founded in 1854 comprises about twenty-four gas and water companies, *ib.* 1082. 1118, 1125——The total amount of the subscriptions is about 135*l.*, *ib.* 1120–1124—— The Lambeth and New River Water Companies are members, *ib.* 1125.

Private Expenses. Suggested amendment in section 114 of the Public Health Bill with respect to the charging of private expenses, *Jones* 1028, 1029——Suggested amendment of clause 115, with respect to "deductions to be allowed by landlords to occupiers in respect of payments made on account of private expenses," *Burnell* 1160–1164.

Prohibition. Suggested amendment of clause 19 to the effect that application may, on certain conditions, be made to set aside the order or prohibition, *Smith* 463–466. 491–494.

Prosecutions. Objections to the Nuisances Removal Bill on the score of the facility given for prosecutions; propriety of a power to go before a jury, *Knight* 52. 69–74. 105—— Greater facility for prosecution under the Nuisances Removal Bill than under the Smoke Prevention Act of 1853, public prosecutions only being lawful under the latter measure, *Lewis* 240.

Recommended adoption of a clause by which any proceedings shown to be malicious or spiteful may be quashed at the expense of the prosecutor, *Kintrea* 317–319. 328. 341—— Circumstance of witness having been once proceeded against from spiteful motives, *ib.* 318, 319. 325–327——Propriety of a clause requiring the prosecutor to pay the costs of the defendant

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defendant in case the latter should succeed or the proceedings be stayed, *Kintrea* 350——Proposed proviso, in clause 42, under which if a prosecution fail the costs may not fall upon the defendant, *Lewis* 419.

Suggested amendment of clause 9 of the Nuisances Removal Bill to the effect that the local authority, and not a single subordinate officer, be responsible for proceedings taken, *Smith* 448-453——Opinion, supported by that of Lord Palmerston, as to the expediency of altering clause 15, so that there may be no power of proceeding without entry or examination, *ib.* 457-460——Objection to the clause as proposed in the original Bill with respect to the notice upon which the local authority may ground proceedings, *Heron* 1503-1505.

See also *Appeal.* *Entry to Premises.* *Hunt, Messrs.* *Police, The.*

Provisional Orders. Inexpediency of the provision in the Board of Health Bill by which after inquiry any enactment in a general local Act may be repealed by the local body under the sanction of Parliament in a provisional order, *Smith* 665-669——The provisional order in the Board of Health Act should be published, *ib.* 669——Importance of its being made clear that the provisional order can only be altered with the consent of the majority of the ratepayers, *ib.* 669, 670——Mode of confirmation by Parliament with respect to provisional orders specially objected to, *ib.* 685, 686. 709-719——Frequent instances in which the late Board of Health have endeavoured to introduce towns into Provisional Orders Bills; case of Birmingham referred to, *ib.* 710-718.

Impossibility generally of obtaining, as proposed, the consent of the majority of the ratepayers to the provisional order, *Heron* 1053.

Public Health Act. Importance of clearly defining whether the existing Public Health Act would still apply to any district which refused to come under the proposed Act, *Everest* 766, 767.

Public Health Bill. Suggestions relative to the administrative points of the Bill, *Smith* 641, *et seq.*——Proposed amendment of the definition of the purposes of the Bill, as contained in paragraph 3, section 20, of the reprinted Bill, *Baxter* 941——Opinion that the proposed Act is of a very useful character, and a great improvement upon the existing Act, *Heron* 1049.

See also *Accounts.* *Application or Adoption of Acts, 2.* *Birmingham.* *Bye-laws.* *Canals, &c.* *Drainage.* *Gas.* *General Board of Health.* *Inspectors, 2.* *Institute of British Architects.* *Local Acts.* *Local Boards.* *Mortality.* *Provisional Orders.* *Purchase or Construction of Works.* *Sewage and Sewerage.* *Smoke.* *Streets.* *Water.*

Purchase or Construction of Works:

1. *Contemplated Provisions hereon objected to.*
2. *Amendments suggested.*

1. *Contemplated Provisions hereon objected to, &c.:*

Objection on the part of the companies to the provision with reference to gas and lighting that the local Boards of Health shall have power to construct or purchase works, *Smith* 724. 726-729——Insufficient opportunities at present for local acquaintance with the details of any proposed scheme, *ib.* 735-737——Objection to the restrictions in clause 109 of the Public Health Bill by which those persons only upon whom notice is served, or where property may be injuriously affected, are allowed to oppose any local scheme, *ib.* 744-746——Strong objection to the proposition with respect to the right of interference with waterworks, &c., upon the consent of the quarter sessions being obtained, *Baxter* 889-905. 912-920. 945; *Heron* 1064, 1065-1073——Objections to local inquiries to be instituted by the General Board for the purpose of obtaining property, *Baxter* 948. 954-956——Objectionable character of the proposed compulsory powers of purchase *Heron* 1064, 1065. 1073——The system of obtaining land for public works, as proposed in the present Bill, requires special investigation, *Burnell* 1159.

2. *Amendments suggested:*

Suggestions relative to the proposed power of the justices to direct the construction of works, in order to prevent the recurrence, or to effect the abatement of any nuisance, *Smith* 490, 491——Proposition, that after the details of any measure have been locally examined, such measure should be submitted to a Committee of the House of Commons, in order that any points of general policy may be properly constructed, *ib.* 730-744——Proposition submitted by witness to Sir W. Molesworth, for the local examination and Parliamentary sanction of new schemes, *ib.* 733, 734——The local Board, before carrying out any undertaking, should get a certain number of consents of the ratepayers, and then submit the measure to the General Board, *Everest* 812-817——Suggestion that instead of the proposed system of arbitration there be an appeal from the local authorities to the General Board or some other central tribunal, and that with the consent of the latter, new works may be undertaken, *Wavell* 1443, 1444.

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Purchase or Construction of Works—continued.

2. *Amendments suggested*—continued.

Clauses suggested for the protection of water companies against the construction of works by the local Board, *Baxter* 906–912——Scheme proposed in lieu of the compulsory clauses, by which any party, where property is proposed to be taken or interfered with, and who feels aggrieved thereby, may appear in opposition before a Select Committee of the House, *ib.* 945–963——Expense of so many separate Acts and other expenses, which would be saved by the proposed scheme, *ib.* 947–950. 955——The local Board should, under this scheme, lay its measure before the General Board, who, having considered it, should communicate with the party interested; such party, if still opposed to the contemplated measure, should then have power to be heard before the Select Committee, *ib.* 945, 946. 955——The opposed cases to go before the Committee would be very few, *ib.* 951–953. 958.

Proposition by which the expense of coming to Parliament for Bills to supply gas and water may be avoided; clauses delivered in for the accomplishment of this object through means of the local Boards, *Baxter* 994-996——System of control proposed with respect to the purchase of land, &c., by the local Board; necessity of such system illustrated, *Everest* 1180–1183——The printed clauses delivered in by witness (*Q.* 996), have reference to the erection of public works through the local Boards, and not to the protection of the companies, which must be specially provided for, *Baxter* 1250–1253——Clause proposed for the adoption of certain steps before land is taken by compulsion, *ib.* 1269.

See also *Expropriation. Gas. Sale of Works. Water.*

Q.

Quarter Sessions. Great importance in the Public Health Bill of clauses 108 and 109, relative to courts of quarter sessions, *Smith* 729. 744——Sundry objections to the quarter sessions as the tribunal for determining questions about the acquisition of property by the local Boards of Health, *ib.* 730. 740–744.

See also *Appeal. Purchase or Construction of Works.*

R.

Railways. Expediency of some alteration in clause 118 of the Public Health Bill, as regards the amount of rating to which railways are assessable, *Burnell* 1165–1169.

Rate of Mortality. See *Mortality.*

Ratepayers. See *Accounts. Application or Adoption of Act. Estimates. Local Boards*, 1. *Minutes of Local Boards.*

Rates. When a rate is quashed, the local Board should allow it from the next effective rate, *Everest* 781——Injustice of the proposition for the payment of all expenses incurred by the local Board out of the general district rates; amendment proposed, *ib.* 811. 817–820——Suggestion in regard to the rating of small tenements, *Jones* 999–1007——The general rates should not be charged for supply of gas or water to a particular district; clause suggested hereon, *Baxter* 993, 994. 996. 1263–1265.

How far the basis of the poor's rate might be made the basis of the rate for the local Boards, *Jones* 1000, 1001. 1004–1007——Convenience if the local Board at Derby or elsewhere had power to make but one rate yearly, to be collected as they may determine, *ib.* 1007, 1008——Statements showing that the number of houses in England and Wales under 10 *l.* value is rather more than double the number rated at 10 *l.* and upwards, *Baxter* 1270, 1271.

Inexpediency of the suggested division of districts, in order that the general rates may not be charged with works undertaken for the benefit (apparently) of only one locality; case in illustration, *White* 1289–1291——Objection to the clause limiting the power to make rates for expenses incurred within six months; enlargement of this period recommended, *ib.* 1302–1309——Difficulty in the event of works being finished, and only a portion of the necessary money raised, *ib.* 1313.

See also *Loans. Mortgage of Rates. Owners. Water.*

Remedy of Nuisances. Objection to the absence of a clause in the Nuisances Removal Bill, by which trades should not be interfered with, provided the best available means (properly defined) are taken to prevent their being offensive, *Knight* 40–45. 49–51. 99——Difficulty, from the differences of opinion, as to the best means of remedying a nuisance, *ib* 40. 42. 44——Willingness of the parties represented by witness to remedy any proved evils in the conduct of their respective businesses, *Lewis* 185–187——Proviso suggested with reference to penalties, in case of a difference of opinion about the remedial means taken being the best practicable, *Macdougall* 255–260.

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Remedy of Nuisances—continued.

Proposed insertion of the term "reasonably practicable," with reference to the means to be taken for mitigating any nuisance, *Maynard* 364, 365. 378——Clause 31 of the Nuisances Removal Bill should provide against the issue of any "order of abatement," if reasonable means have been adopted for mitigating the nuisance complained of, *Lewis* 395——Proposition that it be imperative, and not discretionary, in the justices to suspend their final determination, provided a satisfactory undertaking be given that reasonable means shall be adopted to cure the nuisance complained of, *ib.* 395-406; *Rumney* 439.

Objection to the provision for the adoption of the "best practical means" in order to remedy any nuisance before fines can be imposed, *Hills* 1467-1474. 1478——Proposal that the means to be adopted for correcting nuisances be defined as "the best known means which are efficient, practicable, and consistent with the carrying on of the business," *ib.* 1468-1475. 1478. 1489-1492——Objection to the term "best practicable means," as being liable to a partial interpretation by the magistrate, *ib.* 1469, 1470. 1473-1475. 1478.

Grounds for objecting to the definition proposed by Mr. Hills (Q. 1468, 1490, 1491) of the means to be taken in order to remedy any nuisance, and to exempt the party from liability to fine, *Heron* 1510, 1511.——*See* also *Penalties.*

Renewal of Nuisances. Objection to clause 16 of the Nuisances Removal Bill, with respect to the adoption of measures to prevent the renewal of a nuisance previously suppressed, *Lewis* 417-419.

Rent. Recommend omission from clause 25 of the Nuisances Removal Bill, of words with respect to inquiry into the amount of rent due, *Smith* 468, 469.

Reports (*Board of Health*). Exceptionable character of the Reports of the General Board; advantage in their not being made annually, *Smith* 752-756. 761——Returns under special heads would have been much better than the published reports, *ib.* 756.

Reports of Inspectors. Expediency of a publication of the inspector's report upon the statements in the local petition, and also of due time being allowed to consider such report before the public meeting is held for the application of the Public Health Act, *Smith* 663-665——Importance of its being imperative on the General Board of Health to cause inquiry before acting on the report of the inspector, *ib.* 665——Suggestions relative to the inspectors' reports, which at present are likely to be of an *ex parte* character, *ib.* 704-709——Suggested alteration of section 134, for sending a copy of the report to every ratepayer, *Jones* 1028, 1029.

Responsibility. Suggested introduction of a provision into the Nuisances Removal Bill, for the protection of parties upon whose premises nuisances may arise, not created by themselves, and for rendering the proper parties liable for such nuisances, *Medley* 425. 429-432——Consideration of the powers and responsibility of the Local Boards; amendments suggested, *Smith* 442, 443. 453. 468. 473-489. 720. 756-761; *Everest* 784-790. 803; *Serle* 872-877. 1183; *Baxter* 959; *Heron* 1061-1064. 1511-1522; *Burnell* 1177, 1178; *White* 1285-1288——Objection to the words "permission or sufferance," in clause 16 of the Nuisances Removal Bill, *Smith* 462, 463——Main importance of securing a sense of responsibility in all parties, *ib.* 480. 498.——*See* also *Local Boards*, 2.

Rhodes, Mr. Reference to the imprisonment of Mr. Rhodes, a manufacturer, on a charge in regard to nuisances, *Knight* 68, 69.

Right of Entry. See *Entry to Premises.*

Rumney, Robert. (Analysis of his Evidence.)—One of the deputation from Manchester, 433——Impresses upon the Committee the expediency of a scientific arbitration clause in the Nuisances Removal Bill, 434-438——Also, that it should be imperative upon justices to suspend their determination, under a proviso that the parties shall adopt the best practicable means for mitigating the nuisance complained of, 439.

S.

Sale of Offensive Accumulations. Proposed amendment of clause 22 of the Nuisances Removal Bill, with respect to the mode of sale of any animal matter, &c., removed by the local authority, *Lewis* 419.

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Grounds for the conclusion that there is a disturbing cause in operation, other than that of defective sanitary arrangements, which creates an excess in the deaths of the male population, and that the average rate of mortality at which the Bill should be applicable should be taken upon the deaths of the females, 1598–1602. 1607——Denial that density of population is accompanied by an increased rate of mortality; data showing that the reverse is the case, 1602–1605——Conclusion, for which sundry reasons are assigned, that the rate of mortality should be fixed at 27 in 1,000 instead of at 23 in 1,000; 1602–1613——Circumstance of the rate of mortality having increased in 23 towns in which the Public Health Act has been applied, 1605. 1612, 1613.

Smoke. Witness represents the iron trade of South Staffordshire, *Blackwell* 1326. 1331–1333——Objects to clause 98 of the Public Health Bill, with respect to the consumption of smoke, *ib.* 1327–1330——Proposes a proviso to that clause, exempting the iron trade, &c. from its operation, *ib.* 1330——Reference to the opinion of Sir Henry de La Beche and Dr. Lyon Playfair, as to the impracticability of applying the clause for the consumption of smoke to the general processes of iron manufacture, *ib.* 1330.

As a manufacturer of earthenware, witness strongly objects to the 31st section of the Nuisances Removal Bill, with respect to the consumption of smoke, *Mr. Alderman Copeland* 1344, 1345——Effect of feeding a furnace very often and in small quantities, adverted to, as causing a great decrease of smoke, *ib.* 1345, 1346——Very partial success which has attended smoke-consuming apparatus, *ib.* 1345, 1346——Impossibility of consuming the smoke from the carbon in the ironstone, *ib.* 1346.

Smoke Prevention Act. Provisions of the Smoke Prevention Act of 1853, adverted to; objectionable character thereof, *Knight* 38–40, 49. 99, 100——Steps taken, in accordance with the requirements of the Smoke Prevention Act of 1853, for the mitigation of nuisances arising from offensive trades, *Lewis* 187–190——The trades were taken completely by surprise by the Act, which otherwise they would have opposed, as they do the present Bill, *ib.* 191–207. 215. 221——Suggested repeal of that portion of the Smoke Prevention Act which relates to offensive trades; the Act should be restricted to smoke as it professes to be, *Lewis* 219–221. 230–236. 247; *Maynard* 388–390. 393, 394——If the Smoke Prevention Act is to continue in force, the persons engaged in the offensive trades will not be contented with amending the present Bill, *Lewis* 221. 230–237——Surprise with which the trades were taken by the Smoke Act, *Kintrea* 293; *Maynard* 387.

Snow, John, M.D. (Analysis of his Evidence.)—Resides in Sackville-street; used formerly to practice much amongst the poor, 117. 148, 149. 151–159——Appears on the part of manufacturers whose interests are threatened by the Nuisances Removal Bill, 118, 119——Evidence in support of the conclusion, that "offensive" trades are not productive of epidemics, and are not, in fact, injurious to health, 120 *et seq.*——Opinion that cholera is propagated by special animal poisons coming from diseased persons, 122. 145–150.

Tendency of concentrated gases, produced by decomposition, to cause sudden death, but not in the event of recovery at the time, to cause any ill effect subsequently, 125–140——Grounds for the belief that the Thames water, as containing the sewage of London, more especially the water of the Southwark and Vauxhall Company, was the mode of propagation of the cholera during the late outbreak, 144–179——Heavy mortality in Millbank prison attributed to the Thames water procured at the time from the river opposite the prison, 167–179.

Soap. Witness is a soap manufacturer in London and Liverpool, *Kintrea* 281–283——Submits sundry suggestions for the amendment of the Nuisances Removal Bill, which in its present shape bears with unnecessary severity upon the manufacture of soap, &c., *ib.* 287 *et seq.*——Denies that the manufacture of soap produces disagreeable effluvia, *ib.* 342, 343.——*See* also *Offensive Trades. Union of Manufacturers.*

Spence, Peter. Mr. Spence, alum manufacturer, formed one of a deputation to Lord Palmerston in 1854, when the latter consented to the insertion of certain words relative to offensive accumulations, &c., in a Bill then before Parliament, *Knight* 15–29; *Macdougall* 242–246.

Street Improvements. Suggestion that a permissive power, as sought for in the Derby local Bill, be given to make street improvements, *Jones* 1009–1011.

Streets. Objection to clause 95 of the Public Health Bill, with respect to the provisions for laying out streets, *Scoles* 595–604. 637–639——Suggested definition of the word "street"

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"street" in the interpretation clause of the Bill, *Everest* 766——Recommended addition of the word "public" in the definition of a street, *ib.* 773, 774——Suggestion that any private street once drained and flagged by the local Board, be declared a public street 840, 841.

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Sub-Committees. Inexpediency of the provision in clause 9 of the Nuisances Removal Bill, that the sub-committee of the local Board may empower any officer to make complaints, &c., *Lewis* 411.

Surveyors of Highways. Objection to the clause in the Nuisances Removal Bill as to what the surveyors of highways are required to do, *Heron* 1507.

Swansea. Case of the local Board of Swansea *versus* the South Wales Railway, adverted to; nature of the decision in this case, *Burnell* 1165. 1169, 1170.

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Tanyards, &c. Hardship upon some tanners at Bermondsey in the matter of an attempt to remove part of their business to Dartford, *Knight* 59, 60——Witness appears on behalf of tanners and leather dressers at Bermondsey opposed to the Nuisances Removal Bill, *Maynard* 358, 359. 391——Bermondsey has always been used as a locality for tanyards, &c., which should not be suppressed, as not being injurious to health, *ib.* 371, 372. 391, 392——Good health existing among the persons employed by tanners and leather dressers, *ib.* 392——Hardship of the Smoke Prevention Act upon tanners and leather dressers, *ib.* 392.

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Title of Bill. Suggestion relative to the title of the Nuisances Removal Bill, and to the removal of the words "Diseases Prevention," *Lewis* 421.

Tottenham Sewage. Foulness of the River Lea at a particular place in consequence of the sewage of Tottenham being conveyed into the river, *Baxter* 1363.

Town Councils. See *Application or Adoption of Acts*, 2. *Boards of Guardians.*

Towns Improvement Act. Clause 31 of the Nuisances Removal Bill, taken from the Towns Improvement Act of 1847, is very objectionable, and should be repealed, *Lewis* 222–225; *Macdougall* 252, 253.

Trotter, Mr. Injustice to which Mr. Trotter will be subjected under clauses in the Public Health Bill, in the case of his estate near Epsom; drainage of his land by the local Board adverted to, *Everest* 774–780. 792, 793. 804, 805.

Constant complaints made by Mr. Trotter against the special district rate; complaint about the drainage of his land explained, *White* 1294, 1295. 1297–1301.

Turnpikes. Exclusion of turnpikes from the operation of the Nuisances Removal Bill (clause 26), *Smith* 469, 470. 494.

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Union of Manufacturers. Witness represents a number of manufacturers of different kinds, who have for the last two months been constituted as a society under the name of the "Union of Manufacturers," *Hills* 1476, 1477. 1479–1486——Great annoyance and hardship to which this society of manufacturers would be subjected by the Nuisances Removal Bill in its present shape, *ib.* 1486–1488. 1492. 1494. 1497——The manufacturers would much rather be without the Bill, *ib.* 1496.

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Ventilation, &c. Objection to the arbitrary powers relative to construction, ventilation, &c. sought to be given by clauses 85 and 91 of the Public Health Bill, *Scoles* 639.

Voting Papers. Suggestion that with respect to the local petitions for the application of the Public Health Act, the ratepayers should vote by voting papers instead of at a public meeting, *Everest* 767-770——Advantage of the voting being by voting papers instead of in open meeting, *Baxter* 989-992——Suggestions with respect to a system of voting papers and the registering of the votes, *ib.* 1272-1275——Advantage, as at Epsom, of the use of the police authorities in the distribution and collection of the voting papers, *White* 1314-1317.

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Wakefield. Objections of the local Board to the Bills before the Committee, *Serle* 830 *et seq.*——Necessity of amendment with reference to agreement for the supply of gas to Wakefield; manner in which supplied, high price, &c., *ib.* 841-867——The rental, as laid down in section 118 of the Public Health Bill, should be reduced from 10 *l.* to 6 *l.*, *ib.* 869.

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WATER:

1. *Supply by Private Companies.*
2. *Supply by Local Boards.*

1. *Supply by Private Companies:*

Witness represents all the London Water Companies, except the Lambeth, and almost all the provincial companies, *Baxter* 879-883——Clause for the protection of water companies suggested by witness, and approved by the counsel who drew the Bill, in lieu of clauses 10 and 11, section 100; explanation thereon, *ib.* 906-912——Suggestion with respect to the terms of any water supply which may not be fixed in the Act of the Company, *ib.* 907——Check upon water companies refusing to supply, 908-910. 917. 921, 922——Water Companies should be exempted from rates to the same extent as railways, *Burnell* 1166-1168.

Further evidence and explanation in reference to the clauses suggested by witness for the protection of water companies, *Baxter* 1186 *et seq.* 1235 *et seq.*——Mode proposed of dealing with companies that are under the Waterworks Clauses Act of 1847, *ib.* 1239. 1242-1249——Sufficient protection to the local Boards and the public, in the terms of supply fixed by the Legislature in all Water Companies Acts; *ib.* 1242-1249——Consideration of the expediency of bringing all waterworks, belonging to individuals, under the Waterworks Clauses Consolidation Act, thus giving the parties, under certain conditions, the power of incorporation; clause suggested hereon, *ib.* 1354-1359.

Absence of any provisions in the Metropolitan Water Companies' Acts affecting the price of the supply for public purposes, *Baxter* 1372, 1373——Doubt whether provincial water companies have under Parliament any specific terms relative to public supply, *ib.* 1374——Restriction under the Act of 1847 as to the per centage of profits to be divided among any company, *ib.* 1378, 1379——Difficulties in the way of a constant supply of water; if the most economical mode, its adoption may be safely left to the companies, *ib.* 1394, 1395.

2. *Supply by Local Boards:*

Alteration proposed in the Public Health Bill, section 100, paragraph 3, in order to preclude local Boards from supplying water to private houses or for trading purposes, *Baxter* 884-888——Objection to paragraph 10, section 100, in the Public Health Bill, giving power to local Boards, under certain circumstances, to construct waterworks, *ib.* 889-905, 912-920. 945——Objection to clause 13, section 100, giving power to the local Board to take streams which may supply existing waterworks; amendment suggested, *ib.* 912-920——Proposition by which the expense of coming to Parliament for Bills to supply gas and water may be avoided; clauses delivered in for the accomplishment of this object through means of the local Board, *ib.* 994-996——Objection to the proposition for interference by the local Boards with existing works, *Heron* 1064, 1065. 1073.

There should be a special district rate for water, to be confined to the parties directly benefited, *Everest* 775——In case of part of a district only being supplied with water and gas, the general rates of the district should not be charged therewith; clause suggested hereon, *Baxter* 993, 994. 996——Suggested provision enabling the local Board to raise the rates at which they may supply gas or water, *ib.* 996——The water rates should not be made upon the rental, *Jones* 1017-1019——Proposition in the case of the lease of works belonging to an existing local body, *Baxter* 1237——Suggestion for making it compulsory on the local Board to contract with existing water companies, *ib.* 1238-1241.

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Suggested provision for preventing any Board from making an extravagant demand for water supply as regards quantity, *Baxter* 1254——Importance of providing that the local Boards shall not supply gas or water at low prices, *ib.* 1255–1257——Reasonableness of a provision entitling the local Boards generally to be supplied for public purposes according to the terms set forth in the Waterworks Clauses of the Act of 1847, *ib.* 1375——Limited powers under the present Act with respect to water supply by the local Boards; satisfaction if continued under the proposed Act, *ib.* 1385, 1386——Responsibility of the local Boards for supply for public purposes only, *ib.* 1388–1392——Further explanation as to the suggested formation of companies where waterworks do not exist, or are unwilling to supply, *ib.* 1397–1400. 1404. 1407——Witness does not object to the proposed powers of the local Board if confined to supply for public purposes, *ib.* 1405, 1406.

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Waterworks. Too large a definition given to the term "waterworks," *Burnell* 1142, 1143; *Baxter* 1235, 1236.

Wavell, Edmund Minson. (Analysis of his Evidence.)—Town-clerk of Halifax, 1408—— Represents the local authorities there, 1409–1412——Objection to any interference under the Public Health Bill with the local Act of Halifax, 1410–1412. 1415. 1427–1429—— Impropriety of the powers proposed to be conferred on private companies, 1412. 1425. 1437——Supply of water at Halifax by the corporation, 1412. 1421, 1422——Particulars relative to the monopoly and abuse in the supply of gas to Halifax; steps being taken by the local Board to forward the establishment of a new company, from whom to obtain advantageous terms; objection to the Bill as prohibitory of such steps, 1412 *et seq.*——Advantageous operation in Halifax of the Public Health Act of 1848; 1429, 1430.

Sundry objections on the part of local Boards to the proposed system of arbitration in the case of gas and water companies, 1437, 1438. 1441, 1442. 1445, 1446——Advantage of competition over arbitration, 1439–1444——Importance of introducing into the Bill some test as to the quality of gas supplied to local Boards, 1439, 1440—— Suggestion that in lieu of the proposed system of arbitration, there be an appeal from the local authorities to the General Board, or some other central tribunal, and that with the consent of the latter, new works may be undertaken, 1443, 1444——Advantage of settling disputes by direct reference to umpires, instead of by arbitrators, 1445, 1446.

Wells. Vagueness of clause 3, section 100, of the Public Health Bill, with regard to the powers of the local Boards to construct wells, *Smith* 720, 721.

White, George. (Analysis of his Evidence.)—Clerk to the local Board of Health at Epsom, 1284——Proposition, that existing local Boards remain as at present constituted, but otherwise come in all respects under the operation of the new Act, 1285–1288——Inexpediency of the suggested division of districts in order that the general rates may not be charged with works undertaken for the benefit (apparently) of only one locality; case in illustration, 1289–1291——Consideration of statements by Mr. Everest as to the rate of the local Board at Epsom being levied on districts at a considerable distance from the town, 1292–1301.

Inexpediency of the clause limiting the power to make rates for expenses incurred within six months; enlargement of this period recommended, 1302–1309——Reference to several appeals against a rate at Epsom, made for the payment of interest upon money borrowed by the Board, 1302–1305——Question raised as to the power of the local Board to extend the rateable interest as they have done, 1304. 1306, 1307——Importance to local Boards generally of a power of appeal from the court of quarter sessions, 1310, 1311.

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White, George. (Analysis of his Evidence)—*continued.*

Difficulty with regard to the power of local Boards to make out-fall works for sewage, 1312, 1313——Difficulty in the event of works being finished, and only a portion of the necessary money raised, 1313——Advantage, as at Epsom, of the use of the police authorities in the distribution and collection of the voting papers, 1314–1317——Satisfactory results of plural voting at Epsom, 1318–1320——Power, generally, of the owner as well as of the occupier, to vote under the General Act of 1848, 1321–1323——Importance of owners being represented, 1322, 1323——Mode of collection of the local rates at Epsom, 1324.

Worcester. Return showing that the deaths amounted to 24 annually to each 1,000 living, in the years 1841–50, *Farr* 1568.

Reference to Worcester, as showing that the returns of the Registrar-general cannot be taken as accurate data of the rate of mortality for the application of the Public Health Bill, *Smith* 1589. 1592–1594. 1596.

Worthing. Reference to the town of Worthing, as illustrating the practical impropriety of the proposed requisition to the General Board of Health, signed by one-tenth of the rate-payers, *Smith* 659.